



Town of Shelburne, Vermont

PLANNING COMMISSION MEETING AGENDA
SHELburnE TOWN OFFICES, 5420 MAIN STREET
THURSDAY, OCTOBER 14, 2021
IN PERSON MEETING; ZOOM OPTION DETAILS BELOW

PLEASE NOTE CHANGE BACK TO REGULAR MEETING DAY

Join PLANNING COMMISSION Zoom Meeting

<https://us06web.zoom.us/j/82630401669?pwd=OHlxQ255NEZ0WnpLVkdaOHc0K09Wdz09>

Meeting ID: 826 3040 1669; Passcode: v1et1E

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 826 3040 1669; Passcode: 671372

- | | |
|---|------------------|
| 1. Call to order/roll call | 7:00 P.M. |
| 2. Approve agenda | 7:00 P.M. |
| 3. Approve meeting minutes of September 23, 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. Strategic planning session – Town Plan review, priorities going forward | 7:15 P.M. |
| 7. Municipal Planning Grant proposal | 8:15 P.M. |
| 8. Other business | 8:30 P.M. |
| 9. Adjourn | 8:30 P.M. |

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

September 23, 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 and Deb Estabrook were absent.)

STAFF PRESENT: Lee Krohn, Town Manager.

OTHERS PRESENT: Gail Albert, Donna Fialkoff, Sara Beeken, Holly Brough, Joyce George, Rowland Davis, Fab Boisvert-DeF, Steve Brandon, Erin Auer, Jimby, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (8/25/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Public Hearing: Proposed Process Related Zoning Amendments
7. Other Business/Correspondence
8. 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 Jean Sirois, **SECOND** by Jason Grignon, to approve the agenda as presented. **VOTING: unanimous (5-0); motion carried.**

3. APPROVAL OF MINUTES

August 25, 2021

MOTION by Neil Curtis, **SECOND** by Jean Sirois, to approve the minutes of 8/25/21 with the deletion of “Wendy” for the attendee from Media Factory.

VOTING: unanimous (5-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

None.

6. PUBLIC HEARING: Proposed Process Related Zoning Amendments

MOTION by Jean Sirois, **SECOND** by Marla Keene, to open the public hearing.

VOTING: unanimous (5-0); motion carried.

The public hearing was opened and the proposed zoning amendments were reviewed.

Fences (Sec. 1980.11)

Minor edits were made to the language for clarification.

Conditional Use (Sec. 1910.3 and Sec. 1910.11)

Minor edits and corrections were made to the language to clarify the size of the conditional use (square footage up to 10% increase) and the nature of the impact.

Residential PUD (Sec. 1930.3)

Considerable discussion ensued about NRCC's request re: language pertaining to sensitive areas and core forests, it was agreed that leaving the existing phrase in place better meets NRCC's own concerns. The proposed amendment was thus withdrawn from the package to be forwarded to the Selectboard.

Subdivision Regulations (Definition)

The amended language simplifies the definition of subdivision.

Boundary Line Adjustment (BLA) and Lot Merger (Sec. 300A & Sec. 1900.11)

It was confirmed subsection (b) was deleted since every parcel of land was subdivided at some point in time.

Subdivision Regulations/Planning Standards (Article VIII)

Language was added to reference the Town Plan for guidance in bylaw interpretation.

Sketch Plan Review (Article III)

In Section 300 the 21-day submission requirement prior to getting on the meeting agenda was removed because there can be no guarantee of being placed on the agenda. Upon discussion, it was agreed that the Town is better positioned to identify all adjoining landowners and to send required notice, rather than the applicant doing this.

Text related to minor and major subdivision is deleted because there is only subdivision, no differentiations.

The title of Section 330 should be changed to "Effect of Sketch Plan Action" and the first sentence from Section 340 should be added. The remaining text in Section 340 is deleted. Staff will add language to clarify that an applicant can proceed from Sketch Plan review to Final Plan review provided the application is consistent with the recommendations offered by the DRB. Language was also added to say the DRB shall notify the applicant in writing of the results of the Sketch Plan review.

Final Plat Submission Requirements (Article VI)

Text will be added to the introductory paragraph of Section 600 to state that all documents must be submitted in paper and digital form. Similar statements regarding paper and digital submissions found throughout the Article can be deleted.

The filing deadline for Final Plat was discussed. There was agreement that upon conclusion of Sketch Plan review the applicant can file an application for Final Plan review and six-month extensions can be approved administratively.

Section 600(3) pertaining to submitting the names of adjacent subdivisions is deleted and the sentence beginning with “namely” in Section 600(30.a) is deleted.

Section 600(17) should include language that states reference monuments will be shown in accordance with the current standards of the Vermont Society of Land Surveyors and that the final subdivision plat shall be recorded to conform to state statute.

Text will be added to Section 600(27) pertaining to parcels dedicated to public use to state that all legally required documents shall be in a form suitable for recording and upon approval by the Town Attorney with the signatures of the appropriate persons.

Section 600(32) pertains to submitting homeowner association rules, but the DRB has no jurisdiction with homeowner association rules so the text requiring the documents be submitted is deleted.

Shelburne Natural Resources Committee Review of Applications

Following discussion of whether language encouraging an applicant to meet with all applicable town departments and committees should be part of the regulations or managed via internal staff level process, the Planning Commission opted for the latter.

MOTION by Jean Sirois, SECOND by Marla Keene, to close the public hearing. VOTING: unanimous (5-0); motion carried.

MOTION by Neil Curtis, SECOND by Jean Sirois, that the Planning Commission approve the proposed zoning amendments that the Planning Commission modified at the public hearing on 9/23/21 and forward the amendments to the Selectboard for consideration. VOTING: unanimous (5-0); motion carried.

7. OTHER BUSINESS/CORRESPONDENCE

Meeting Schedule

The Planning Commission meeting schedule of the 2nd & 4th Thursday of the month will resume.

Selectboard 9/28/21 Meeting

The Planning Commission is encouraged to attend the 9/28/21 Selectboard meeting, which will be a forum on planning, zoning, and community/economic development.

8. ADJOURNMENT

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

The meeting was adjourned at 10:12 PM.

RScty: MERiordan

To: Shelburne Planning Commission

From: Lee Krohn, AICP

Re: PC meeting for 10/14/21

Date: October 12, 2021

As we plan for the 10/14 PC meeting (which as you recall, I cannot attend as I'll be with my family for my daughter's wedding), there are three key elements.

First, please know that the Selectboard has 'fast tracked' the package of zoning amendments as approved by the PC on 9/23. We will hold that public hearing on 10/26, with hopes of adoption so we can get those into effect. It's always helpful to have a Chair or other members present in support or if questions arise (although having worked through all of these with you, I'm sure I can answer anything that arises). Key is always the dynamic balance at the SB level between holding truly open public hearings, yet trying to hold back against yet further wordsmithing or requests for further changes that set these back in time and process.

Secondly, as to "what's next" for the PC's workplan, I think it's important to take a step back to consider the big picture, and not just dive back immediately into more regulatory review (as important as some of that may be). We know that NRCC has been insistent on stricter bylaws regarding natural resources. We know that the HPDRC would like the PC to expand the design review overlay district to the entirety of the RT 7 corridor – ironically yet intriguingly, in response to what some suggest is the failed outcome of form-based zoning, despite its extreme prescriptive approach to all aspects of site design, including architecture. The affordable housing subcommittee wonders about adding Inclusionary zoning into the mix (requires a certain % of new housing units to be "affordable", typically when building more than a threshold total number of new units); they also asked whether we needed new rules for "tiny homes", although I'm not sure what would really be needed for those, as they are dwellings just like any other, just smaller, and we can't and don't regulate whether one may build a mobile home or a mansion, other than the standards of setbacks, building envelopes, and the like. The neighbors to a proposed housing project off of RT 7 and Clearwater Drive want the form-based rules changed regarding the higher density allowed for form-based projects (letter attached). There's no lack of other possibilities, such as a complete overhaul of the zoning regs and incorporating subdivision regs into a 'unified bylaw' – simple in concept, no doubt complicated in really rewriting these entire documents for clarity. If I could just set aside a month to focus only on that...

However, and back to the 'big picture': with all of the effort that the PC had put into the new Town Plan, and the intent of that plan as a set of guiding principles, that would be a good document to review in order to help set priorities for PC work going forward. As you know, there's quite an array of ideas presented there for consideration. There may well be some non-regulatory concepts or projects that could be pursued to help implement some of the many goals and objectives in the plan, such as:

Revisiting the Sewer Service District boundary to see if that still makes sense in terms of where we encourage and allow for higher density development closer to the core, or even if adjustments to that boundary might make sense to 'even out' the district.

Consider seeking budget appropriations or other changes to help implement all of the goals related to enhanced vitality in the village core – wayfinding signs, informational kiosks, amenities at the Parade Ground and other municipal sites, enhanced opportunity for outdoor dining – those types of improvements that can help both residents and visitors... this can certainly involve bike/ped connectivity, the study about which is about to launch with the regional planning commission.

Perhaps a good use of the PC's time would be to invite other allied committees and/or staff to discuss matters together, break down silos, and learn about how to better integrate various interests or activities into a more unified and cohesive whole. Matters related to water, wastewater, stormwater, highway, parks and recreation, bike/ped connectivity, outdoor events and celebrations, and other matters are all touched by and affected by planning (and planning affects all of those, as well). We've had one or two meetings with the DRB, and you've seen how helpful that was. We hear from NRCC all the time; important as those interests are, there are others that also would benefit from greater integration into the planning process writ large.

Eventually, of course, we'll need to dive back into the zoning regs, but I'm just not sure that's the first best place to leverage the PC's precious time and expertise. Yet if we do, I suggest a next step is to see where else we can 'unregulate' first. For example, we have multiple pages of rules just about signs on baseball fields. Do we really need to micro manage these to that extent? I think not.

All that said, there is no need to rush to judgment on the PC's next steps. It's quite OK to have this wide-ranging conversation for starters, and then to give those ideas time to percolate for a bit before launching into your next workplan. Related to that, we hope to have a new Planning Director on board within the next month or so. Stephen K. can speak more to that, as he was part of the interview team. Integrating her into this overall process will also be mutually beneficial. I'll invite her to join this meeting via Zoom if she is available so that she can begin to listen and learn. The deal is not yet quite done, but we remain hopeful.

Finally, regarding a possible Municipal Planning Grant application, due on very short notice: while it's always worth considering, there is no requirement to pursue these or any other grants. That said, the one idea I have is to apply for funds to hire a consultant to help create and develop the organizational framework needed as part of pursuing Downtown Designation status. I've already inquired of the State, and this type of application would receive priority consideration, being for one of these "designations". While we already have many of the prerequisites in place to apply for 'downtown' status, this organizational framework is an essential missing link. Some towns have an active Chamber of Commerce, some have an economic development group that's the cheerleader for and promoter of events, activities, and business development. We don't yet have such an entity, and it's not intended to just be a single person who might be an economic development consultant.

I do need an answer from the PC on this question tonight. If supported by the PC, then I'd need Selectboard authorization on the 26th, with the immediate need for me then to write the application and submit it by November 1. That's not intended to appear to 'force your hand' in any way, it's just the facts and timeline before us as we juggle an endless array of issues here at 'command central'.

Thank you all; be well.

Lee

Steve Kendall, Chair
Shelburne Planning Commission Committee
Town of Shelburne
P.O. Box 88
5480 Shelburne Road
Shelburne, Vermont 05482

26 September, 2021

Dear Planning Commission Committee,

We were sorry to have missed your most recent Planning Committee meeting this past Thursday (September 23rd). We would have liked to have raised some questions during the "Public Comments on Matters Not on the Agenda" portion; but perhaps this will make it easier for you to consider our questions before responding.

We are concerned about apparent discrepancies in the Shelburne Road Form-based Overlay District (SR-FBOD) plan compared to our Shelburne Town Comprehensive plan and Zoning regulations that threaten to introduce discordant features, put natural resources at risk, and negatively impact existing neighborhoods.

First, let us note that we're impressed with the work that went into the SR-FBOD and appreciate many of the detailed requirements listed there. Our town plan includes a recommended action (to achieve the plans goals & objectives) on page 19 that says:

"Periodically re-examine allowed uses, dimensional and design standards, and access requirements for areas in Growth Area 2, and revise the Zoning as appropriate."

In this spirit, a new proposed development has raised concerns about some areas where we, and many of our neighbors, believe the SR-FBOD could be improved because oversights in form-based plans can be exploited while our DRB's decision-making is limited. We all understand that most developers will look to gain the most return on their investment....so we look to the Planning Commission to reconsider and close any gaps as time and experience expose them. We worry that our DRB may see that a plan does not make sense for the location and our town -- but will be unable to apply their wisdom.

I think, to a person, all of the neighbors surrounding the new Crombach/Brandon Multi-family proposal sketch plan (in northern Shelburne – Area 2) were shocked to discover that the SR-FBOD seems to allow very dense residential development on this 6.22 acres of mature undeveloped woods in contrast with what we all expected under the Town's Comprehensive Plan.

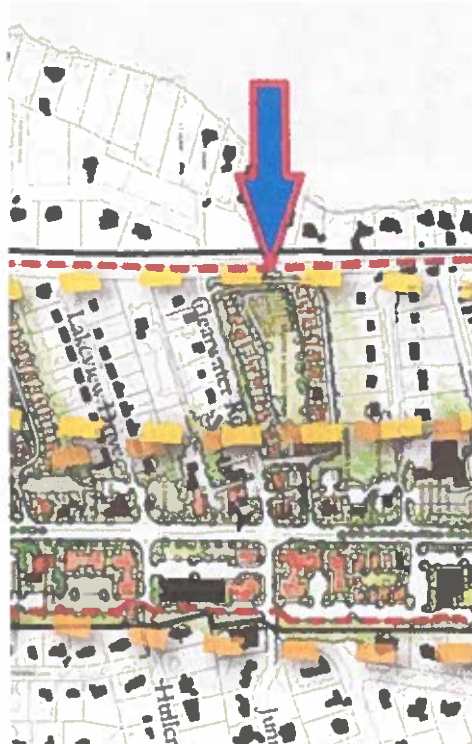
To be clear: the area of concern is classified as "Mixed Residential Character District (MRCD) in the SR-FBOD. (As I'm sure you understand: Area 2 is broken down further into districts and the MRCD is residential and located behind the "Mixed Use Street Character District" along route 7 in this northern section of town.)



Here are our questions/concerns:

1. Why Does the SR-FBOD Allow SO Many More Housing Units than Shelburne's Comprehensive Plan Permits for the Same Area?

- The Crombach Multi-Family sketch plan proposes putting 107 residential units into 6.22 acres – including four three-story 40' tall 24-unit apartment buildings (and eleven townhouses). This appears to be allowed under the SR-FBOD's rules for the MRCD district ...but this is way beyond what's permitted in our town's Comprehensive Plan.
- Shelburne's Comprehensive Plan's lot allowances net out to allowing a maximum of:
 - About 3 Single Family Homes per Acre
 - 15,000 square feet required = 2.9 per acre
 - About 4 Multi-Family Units per acre
 - 10,000 square feet required = 4.36 units per acre
 - So on 6.22 acres, under Shelburne's Comprehensive Plan's allotments: no more than about:
 - 18 single family homes
 - 27 units of multi-family housing
 - This maps to the SR-FBOD's approved vision, as shared with the town in the 2014 Charette plan, that shows about 18 single-family homes might eventually be built on this property – this is what we (the surrounding neighborhoods) were expecting if Mrs. Alis's hopes of keeping the woods intact came to an end.



Enlargement from Page 2 of the SR-FBOD with Arrow Pointing to the Crombach/Brandon 6.22 Acre Property: "Shelburne Road Illustrative Plan Based on 2014 Charrette"

- To put the proposed 107 residential units in perspective: we live on Wild Rose Circle – northern abutting neighbors – and we have ten single-family homes in an equivalent space.
- We drove all the streets in Area 2's MRCD just to confirm what we believed: we only found single-family homes – apart from *The Residences*, which has its own campus and doesn't seem to intrude on any neighbors. Furthermore: unless we were unable to visually detect that a house was a duplex: all of the homes in Area 2 are one or two-story single-family homes. (With the possible exception of the large homes that Precourt's built up on the hill overlooking the bay. Most of those have basement exits... so perhaps these are defined as 2.5 story buildings?) I didn't find any three-story or multifamily buildings in Area 2's MRCD – beyond *The Residences*.)

2. Growth vs Density: How Could So Many People and Cars be Allowed in this Area? The Shelburne Comprehensive Plan provides a list of prioritized areas for residential density ("Land Use Summary" on page 23):

The Village Center is expected to be the dominant location for retail and office uses, followed by the Mixed use Area. The six areas that are intended to accommodate residential development will demonstrate a hierarchy of residential densities, as follows:

- Highest residential Density: Village Center Area
 - Next Highest residential density: Mixed Use Area
 - Third Highest residential density: Village Residential Areas and Shelburne Falls Area
 - Next to lowest residential density: Residential Areas in Growth Area 2
 - Lowest residential density: Rural Area
- Isn't the "Mixed Residential Character District" (where this proposal is located) part of the "Residential Areas in Growth Area 2" – "next to lowest residential density"? We think the "Mixed Use Area" (#2 above) refers, in contrast, to the "Mixed Use Street Character District (MUSCD) an the Mixed Use Neighborhood Character District (MUNCD).
 - The Comprehensive Plan does say that most of Shelburne's growth will occur in Area 2 --- but growth is one thing; DENSITY is another! We understand that the remaining wooded areas in Area 2 are targeted for residential development; but we expected this to be in keeping with the surrounding neighborhoods and within the guidelines of the town's Comprehensive Plan.
 - The Crombach sketch plan shows almost 200 parking spaces in addition to the 107 units of housing. We understand that the SR-FBOD was striving to move traffic off of route 7 by connecting MRCD neighborhoods for north-south travel. But this particular lot is bounded by private property on both the northern and

southern sides (and the RR track to the west) – so all of the additional traffic has to empty onto route 7. This sketch plan proposes to add significantly to route 7's traffic and can only offer foot & cycling traffic within it's own boundaries (and up on route 7). We believe the DRB can readily see this problem – but the form-based plan may not have anticipated such a situation.

3. Population Growth Management

The Shelburne Comprehensive Plan makes this statement on page 48:

Shelburne is a part of Chittenden County, the fastest growing county in Vermont. Recognizing its responsibilities as a part of this growing market, Shelburne has determined that it **can and should sustain a growth rate that continues its historic growth trend—a growth rate that anticipates the addition of 25-50 new dwelling units per year, on average.** This "growth rate" should not be taken as a goal to be achieved on an annual basis but, rather, as an expression of the maximum number of new residents it appears the Town can reasonably accommodate on a yearly basis. This "growth rate" may change as circumstances warrant it.

- **Is there any management of this growth?**
 - Recently built: Mapleleaf Retirement apartments
 - Under construction now:
 - Kwinisaka Homes
 - Gardenside Homes
 - The Crombach Multi-family plan may be phased, but it is not the only development in town.....is anyone trying to manage to this 25-50 new dwellings per year goal?

4. Development Compatibility: Where does the SR-FBOD take into Consideration how Well a Proposed Development Fits into the Existing Neighborhoods, Landscape and the Environment?

- The Shelburne Comprehensive Plan states (page 8: "Objectives"):

7. Recognize that each development situation presents a unique set of factors. Throughout the town, achieve desirable forms of development that enhance existing scenic characteristics, minimize the introduction of discordant features, and safeguard the integrity of natural resources while protecting neighborhood values.

It seems that the SR-FBOD does not include provisions to comply with the Comprehensive Plan objectives cited above.

We also understand that the best of plans evolve as we learn where they have weaknesses. So it's our hope that you will consider what we are learning in this instance and consider what can be done to align the SR-FBOD plan to meet our town's Comprehensive Plan's goals as we go forward.

This particular development plan may undergo many changes before it is implemented; there are route 7 traffic considerations, storm runoff compliances and other complications that may alter the ultimate design. But the proposal has brought into focus the above SR-FBOD plan weaknesses that will continue to expose Shelburne to development risks beyond the purview of our DRB.

We appreciate your consideration and can bring these questions forward at a future Planning Commission meeting if we've asked too much to be answered in a response letter. We could also organize others who have similar concerns to meet with you in a meeting dedicated to discussing these concerns, if that would be a more efficient approach.

Respectfully submitted,

A handwritten signature in black ink that reads "Robilee Smith + Kevin O'Brien". The signature is written in a cursive, flowing style.

Robilee Smith & Kevin O'Brien

169 Wild Rose Circle, Shelburne, VT 05482

Robilee's email: robileesmith@gmail.com and cell phone: 802-922-8039