

## Shelburne Natural Resources and Conservation Committee

January 13, 2021

Present: Dean Pierce (Town Planner), Gail Albert, Bob Paquin, Peg Rosenau, Jon Cocina, Mike Schramm, Sean MacFaden, Chandler Noyes, Fred Morgan, Don Rendall, Jim White (Wildlife Coexistence Committee)

1. Agenda (Don motioned to accept, Jon seconded, all in favor).
2. Minutes (Bob motioned to accept, Don seconded, all in favor).
3. Development Review
  - a. Kathy and Michael Deavitt subdivision proposal (PUD in Rural Zone). The applicants requests an adjustment to the open space boundary so that wastewater infrastructure is not included in that area. They would also like to amend the open space agreement to include: 1) an option for a well in the designated open space; 2) the ability to use their off-road vehicles in the open space; and 3) potential construction of agricultural outbuildings, including a sugarhouse. Dean indicated that he would recommend to the DRB that the well location be restricted to within 75ft of Irish Hill Rd. Mike stated that the well and potential agricultural outbuildings are outside of the definition of open space. He also believes that use of motorized vehicles is outside of the scope of open space. Gail suggested that she could attend the upcoming DRB meeting and indicate to the board and landowner that more information is needed about the current status of the open space areas and how an amended agreement would affect natural resources onsite.
4. Wildlife Coexistence Policy
  - a. Mike suggested several minor text edits but also asked a more substantive question: Can the SNRCC take on the role that the policy suggests? Or is a separate committee necessary? Gail suggested that the sentence describing SNRCC's role should be removed and instead this issue should be discussed with the Selectboard. Mike also questioned whether the town's Animal Control Officer (ACO) would have the capacity to receive and process reports of wildlife\human interactions. Jim White indicated the Wildlife Coexistence Committee understands this issue and has suggested that the ACO could be something more than a volunteer position. Don emphasized that the policy needs a "champion" that would ensure that all appropriate reporting and mitigation measures are performed when necessary. Don moved that the committee amend the policy as discussed above and then submit it to the Selectboard. Jon seconded. All in favor.
5. Selectboard Budget Meeting
  - a. Gail described how Lee Krohn suggested level funding (\$30,000) for the open space fund this year. The Selectboard will continue discussing this and other budget items.
6. Regulatory Changes
  - a. Dean described the overall intent of regulatory reform. Some examples of potential change are: 1) Exempt internal changes to structures from building permits; 2) Exempt small outbuildings (e.g., sheds) from building permits; and 3) Administrative review rather than DRB involvement; and 4) Reduce the number of planning steps. Dean

indicated that planning regulations can be adjusted to accommodate all of these suggestions but it is important anticipate possible side effects.

- b. Committee comments
  - i. Issue #1. Internal building renovations. Gail mentioned that possible effects to water and wastewater demands should be considered with such renovations. Mike described how occupancy is more important here than the number of bathrooms.
  - ii. Issue #2. Minor accessory structures. Dean suggested that it's important to keep regulations for these structures as simple as possible. If area and setback requirements are included, the regulations become more difficult to enforce. Gail indicated that important natural resources must still be protected with accessory structures. Mike is against a planning change for minor accessory structures because the town would then be in the position of reacting to violations rather than helping landowners satisfy town requirements. Mike further suggested that a more pertinent change would be elimination of fees for necessary permits, although Dean indicated that the town would then have to absorb some costs for recording new entries in land records.
  - iii. Issue #3. Greater use of administrative review. How much leeway should exist for minor adjustments to approved subdivision plans? (3-lot subdivisions are minor; 4-lot subdivisions are major.) Dean indicated that a proposed change cannot involve an established condition of approval. If accepted, expanded use of administrative review would place a lot of authority in one person's hands. By the town's charter, the town manager is the zoning administrator and has authority for signing permits, although that authority can be delegated to other town employees. Bob stated that such a major change (placing important decisions in the hands of a town employee below the zoning administrator) should come from the Selectboard (and ultimately the voters).
  - iv. Issue #4. Streamline development review process. There are currently three steps: sketch, preliminary, and final. Proposed changes would permit the DRB to reduce the number of steps for certain projects. Dean believes the proposed language should not apply to the Rural Zone, only the areas where development is really encouraged (Mixed Use and Commercial\Industrial Zones). Mike believes that development review should remain a three-step process everywhere. Jon and Peg concurred. They stated their belief that, if a proposed project is straightforward, the existing 3-step process should move efficiently while providing adequate time for public comment.
  - v. Issue #5. Repeal on-the-record review. Shelburne currently uses on-the-record review in development-review proceedings, making it possible for the town to present, as evidence in Environmental Court hearings, information from local reviews (i.e., its own Development Review Board hearings). The committee was unsure how to evaluate this potential change but questioned the need for it.
  - vi. Issue #6. Eliminate fences from definition of prohibited structures in PUDs. Don mentioned that fences negatively affect wildlife movement.

- vii. Issue #7. Allowance of more than one principal structure on a lot. Dean described how this issue is really a question of occupancy, which requires town oversight. Would the town have the resources to monitor the number of residents occupying multiple onsite structures?

7. Updates

- a. Forest block analysis. A draft forest-block map has been submitted to Taylor Newton and Pam Brangan at the Chittenden County RPC. Dean indicated that Taylor may not get back to us until March.
  - b. Conservation projects. The Ewing project remains under discussion.
  - c. Future topics. The "Raise the Blade" project (encouraging homeowners to avoid cutting lawns closely). Lewis Creek Association initiatives. Trail maintenance on town lands. (some trails in the LaPlatte Nature Park and other town lands have received very intensive use during the pandemic, causing erosion in some areas; perhaps the committee could meet with the Paths Committee sometime in coming months to discuss possible options for remediation).
8. Adjourn, 9:38pm (Fred motioned, Chandler seconded; all in favor).