

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

**TOWN OF SHELBURNE
SELECTBOARD
MINUTES
January 25, 2022**

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

MEMBERS PRESENT: Mike Ashooh (Chair), Luce Hillman, Mary Kehoe, Cate Cross. (Kate Lalley was absent.)

ADMINISTRATION: Lee Krohn, Town Manager; Peter Frankenburg, Finance Director; Adele Gravitz, Planning Director; Chris Robinson, Water Quality Superintendent; Diana Vachon, Town Clerk; David Hall, Shelburne Tree Warden; Bob Lake, Shelburne Health Officer; Brian Monaghan, Town Attorney.

OTHERS PRESENT: Members of the public participating in the meeting included Linda Riell, Susan Bowen, Barbara Grant, Pete Seriskky, Judy Raven, Ken Albert, Gail Albert, Joyce George, Chris Latta, Don Porter, Ken Scott, Mark Sammut, Norm Blais, Susan Grasso, Peggy Coutu, Barbara Johnson, Susan McLellan, Ann Hogan, Jeff Carr, Tracey Beaudin, Greg Doremus, Nancy Badami, Mike Thomas, Jessica Brumsted, Fab DeFazio, A.J. LaRosa, Jeffrey's iPad, Jessica Trautwine, Tom Tompkins, Patricia Fontaine, Susan, Claire Pro's iPad, Mary Garnish Bauman, Donna Millay, Becky, Droy, Andrea's iPad, Bret Gardner, Abby Hall, Bill Deming, Robilee Smith, Linda, Helen C., Dianne's iPad(3), Chris Badami, Mark Bonfigli, Bob Bouchard, Karen Allen, David Hillman, Arjen's iPhone, Rowland Davis, James Mack, Cbunting, Dave DiBiase, Joanes iPad(2), Liz Carney, Steve, 8025987728, Gail Henderson-King, Lrider, Flo Fooden, ShelburneCountry, LG Stylo5, Christopher's iPad, Shelley Brandon, Steve Brandon, Vivian Jordan, Sean Moran, Media Factory

1. CALL TO ORDER

Chair Mike Ashooh called the hybrid in-person and teleconference meeting to order at 7 PM.

2. APPROVE AGENDA

MOTION by Mike Ashooh, **SECOND** by Mary Kehoe, to approve the agenda with the addition of a discussion of the memo from Liam Murphy on the Crombach development and interim zoning. **VOTING: unanimous (4-0); motion carried.**

3. MINUTES

January 11, 2022

MOTION by Mary Kehoe, SECOND by Luce Hillman, to approve the minutes of 1/11/22 as presented. VOTING: 3 ayes, one abstention (Cate Cross); motion carried.

4. PUBLIC COMMENT

- There was question from the public on the time limit for medical leave. (Staff said per federal law up to 12 weeks of leave can be granted and the amount revisited after that time if necessary.)
- There were questions from the public on when the black unmarked cruiser will be returned for use by the Acting Police Chief, when the personnel issues being discussed in Executive Session will likely be solved, and what provisions are in the upcoming budget for the continued understaffing of the Police Department, planned hiring in the department, and the agreement between the Town and the department on the new labor contract.
- Public comment was made in support of hiring an HR position in the Town and doing exit interviews when employees leave.
- There was a suggestion from the public on establishing a panel to explore the best ways to use the \$2.3 million in ARPA funds the town received.
- There was public comment in support of making the area in front of the Shelburne Country Store on Falls Road an outdoor patio/gathering space rather than parking.

5. SELECTBOARD COMMENTS

- Mary Kehoe and Mike Ashooh assured emails that have been received will be answered as soon as possible.
- Cate Cross thanked the Shelburne School for vaccinating students at school.

6. TOWN MANAGER REPORT/UPDATE

Lee Krohn reported:

- Two Shelburne residents were recognized for their achievements: Flo Meiler, active 87 year old, featured on the cover of *Seven Days* and in the Health and Wellness section, and Megan Nick to represent the USA in free style aerial skiing in the upcoming Olympics in Beijing.
- Shelburne School to participate in the statewide walk/bike to school event.

7. INTERIM ZONING DISCUSSION

The Selectboard reviewed the request from attorney Liam Murphy to implement interim zoning in the form-based code district along the Route 7 corridor. Town Attorney, Brian Monaghan, advised necessary steps must be taken to adopt interim zoning such as zoning changes being under consideration, doing a study, and holding hearings. There was an extensive adoption process for form-based code and the town did an in-depth analysis of what the town wanted in the corridor. It appears the form-based code provisions are generally in conformance with the Town Plan and the bylaws. Caution is urged in considering going to interim zoning. Regarding vested rights, the application that was under discussion was sketch, so the applicant does not yet have vested rights.

A.J. LaRosa, attorney representing residents adjacent to the Crombach development, said there are some discrepancies in the form-based code and the comprehensive plan, suggesting that the west side of Route 7 was not intended to be as heavily developed according to the comprehensive plan. Per the memo from Lian Murphy, the Selectboard is urged to confirm that this is not the level of intense development that was intended on this portion of land, and ask the Planning Commission to conduct a study to implement interim zoning in the form based code zone.

Mary Kehoe requested the specific sections of form-based code and the Town Plan that are being referenced by attorneys LaRosa and Murphy, stressing that the Selectboard needs to be shown where in the process there has been an error or mistake that would allow a sudden change in the rules.

Public comments:

- The charrette for form-based code that was held in the area of the proposed Crombach development showed 18 single family houses for the lot. The density of the proposed development is 10 times that number and out of scope for the neighborhood.
- The rendering that is included in the form-based code shows about 20 single family houses in the area under discussion.
- Court cases and writings in the Town Plan do have influence on decisions where there is disparity between the Town Plan and regulations. What is proposed for development in the area is over doing it.
- The public did not have notice that this type of development density could happen because the Town Plan indicates there would be single family houses so there was not due process done. It is disturbing to hear that the DRB and Selectboard cannot take any action.
- The Planning Commission can be asked to modify the regulations, but the Planning Commission specifically allowed incentivizing this kind of density and a variety of redevelopment types along the corridor to avoid creating a purely commercial strip.
- The proposed development under discussion is not along the corridor, but back from the road closer to the lake. There is forest in the lakeshore overlay that will be removed with the development.
- The form-based code process was pursued to address issues of quality of life and aesthetics on Shelburne Road. Form-based code was to be a tool to try to create other vibrant areas in town along the Route 7 corridor that can be walkable and bikeable.
- According to the bylaws, form-based code supersedes any conflicting regulations.

Mike Ashooh said the Selectboard agreed regulatory reform is needed and zoning adjustments must be done to reflect new growth patterns in the town, but the form-based code process appears to have been followed legally and in an appropriate way.

8. APPOINTMENT(S)*Chittenden County Regional Planning Commission Alternate*

The Selectboard interviewed Jeff Carr, new Shelburne resident to be, for the CCRPC alternate position. Jeff Carr reviewed his ongoing interest and extensive experience serving on town and regional boards (three terms as Essex Selectboard member, Essex rep to the Chittenden County MPO and Regional Planning, alternate rep to Regional Planning for the Village of Essex Junction). It was noted Jeff Carr worked as the state economist for the past 30 years.

MOTION by Mary Kehoe, SECOND by Luce Hillman, to appoint Jeffrey Carr as the alternate representative from Shelburne to the Chittenden County Regional Planning Commission for a term beginning July 1, 2022 and ending June 30, 2024. VOTING: unanimous (4-0); motion carried.

9. WASTEWATER VARIANCE REQUEST: Fiddlehead Brewery

MOTION by Cate Cross, SECOND by Mary Kehoe, to recess the regular meeting and convene as the Sewer Commission. VOTING: unanimous (4-0); motion carried.

MOTION by Cate Cross, SECOND by Mary Kehoe, to approve the request by Fiddlehead Brewery to be permitted to discharge effluent from its pretreatment system into the Town's wastewater collection system with a pH level as low as 6.0, but no lower. VOTING: unanimous (4-0); motion carried.

MOTION by Cate Cross, SECOND by Mary Kehoe, to adjourn the Sewer Commission meeting and resume the regular Selectboard meeting. VOTING: unanimous (4-0); motion carried.

10. PUBLIC HEARING: Proposed Zoning Amendments

MOTION by Mary Kehoe, SECOND by Cate Cross, to reopen the public hearing on proposed zoning amendments. VOTING: unanimous (4-0); motion carried.

The public hearing was opened at 8:20 PM. There was a request from the public to post a summary of the zoning changes on Front Porch Forum. All agreed that the proposals had been vetted at length and were well understood.

MOTION by Mary Kehoe, SECOND by Luce Hillman, to close the public hearing. VOTING: unanimous (4-0); motion carried.

The public hearing was closed at 8:21 PM.

MOTION by Mary Kehoe, SECOND by Cate Cross, to approve the proposed zoning amendments as presented. VOTING: unanimous (4-0); motion carried.

11. COVID RELATED BYLAWS

The Selectboard requested the Planning Commission provide a recommendation on maintaining the COVID related bylaws permanently.

12. GRANT APPLICATIONS*Tree Committee*

MOTION by Luce Hillman, SECOND by Mary Kehoe, to authorize the Tree Committee to apply for a new Caring for Canopy grant as described and to apply again for Tree City USA status. VOTING: unanimous (4-0); motion carried.

Fire/Rescue

MOTION by Mary Kehoe, SECOND by Cate Cross, to authorize the Town's grant application through the FEMA AFG Program as described. VOTING: unanimous (4-0); motion carried.

13. CERTIFICATE OF HIGHWAY MILES

MOTION by Mary Kehoe, SECOND by Cate Cross, to adopt the Certificate of Highway Miles for 2022 as presented. VOTING: unanimous (4-0); motion carried.

14. TOWN MEETING WARNING 2022

The Selectboard reviewed the draft warning and made minor edits/clarifications.

MOTION by Mary Kehoe, SECOND by Cate Cross, to approve the 2022 Town Meeting warning as amended. VOTING: unanimous (4-0); motion carried.

15. RETURN TO FULLY REMOTE MEETINGS

The consensus of the Selectboard is to allow Town boards/committees/commissions to make their own decisions on fully remote meetings.

16. REVIEW MASK MANDATE

MOTION by Cate Cross, SECOND by Luce Hillman, to maintain the municipal mask mandate effective through 2/22/22.

DISCUSSION:

- **There was public comment against the mask mandate and request for the information/studies on which the Selectboard is basing their decision to mandate masks.**

VOTING: unanimous (4-0); motion carried.

17. MUNICIPAL OPERATIONS re: COVID

Lee Krohn reported town staff continues to operate with current COVID practices.

18. ADJOURNMENT and EXECUTIVE SESSION: Personnel

MOTION by Mary Kehoe, SECOND by Luce Hillman, pursuant to 1VSA313 to enter Executive Session to consider the appointment or employment or evaluation of a public officer or employee and invite the Town Manager to participate. VOTING: unanimous (4-0); motion carried.

The regular meeting was adjourned and Executive Session convened at 9:13 PM.

The Selectboard exited executive session and adjourned at 9:55 P.M.

RScty by tape: MERiordan

For the Selectboard

Date