

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
April 8, 2021**

**\*Meeting held via teleconference.**

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

**STAFF PRESENT:** Dean Pierce, Planning Director.

**OTHERS PRESENT:** Gail Albert, Don Rendell, Joyce George.

**AGENDA:**

1. Call to Order
2. Annual Reorganizational Elections
3. Approval of Agenda
4. Approval of Minutes (3/25/21)
5. Disclosures/Potential Conflicts of Interest
6. Open to the Public
7. Bylaw Revision/Regulatory Reform
8. Other Business/Correspondence
9. Adjournment

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**1. CALL TO ORDER**

The teleconference meeting was opened at 7 PM. Dean Pierce facilitated election of the Planning Commission Chair.

**2. ANNUAL REORGANIZATION ELECTIONS**

*Chair*

**MOTION by Stephen Selin, SECOND by Neil Curtis, to nominate Jason Grignon as Chair of the Shelburne Planning Commission.** Jason Grignon respectfully declined due to personal time constraints.

**MOTION by Jason Grignon, SECOND by Jean Sirois, to nominate Steve Kendall as Chair of the Shelburne Planning Commission. VOTING: unanimous; motion carried.**

Steve Kendall is Chair of the Shelburne Planning Commission and facilitated the meeting.

*Vice Chair*

Megan McBride said she will be unable to continue as Vice Chair due to personal time constraints.

**MOTION by Megan McBride, SECOND by Deb Estabrook, to nominate Neil Curtis as Vice Chair of the Shelburne Planning Commission.** Neil Curtis respectfully declined due to personal time constraints.

**MOTION by Megan McBride, SECOND by Deb Estabrook, to nominate Jason Grignon as Vice Chair of the Shelburne Planning Commission. VOTING: unanimous; motion carried.**

Jason Grignon is Vice Chair of the Shelburne Planning Commission.

**3. APPROVAL OF AGENDA**

**MOTION by Neil Curtis, SECOND by Jason Grignon, to approve the agenda as presented. VOTING: unanimous (7-0); motion carried.**

**4. APPROVAL OF MINUTES**

*March 25, 2021*

**MOTION by Jason Grignon, SECOND by Stephen Selin, to approve the minutes of 3/25/21 with correction of the word “installed” to “installing” under Disclosures and Megan McBride disclosing their plans to install a fence on their property. VOTING: 6 ayes, one abstention (Deb Estabrook); motion carried.**

**5. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

None.

**6. OPEN TO THE PUBLIC**

None.

**7. BYLAW REVISION/REGULATORY REFORM**

The Planning Commission discussed:

*Section 810 Site Preservation, Landscaping and Grading and Excavation*

- Revisions to the language pertain to protecting wildlife habitat and natural areas by tying in Act 250 via 10VSA151§6086. Act 250 automatically applies to subdivisions with 10 or more dwelling units. The language in Section 810 would apply to fewer than 10 units.
- Don Rendell and Gail Albert, Shelburne Natural Resources Committee, mentioned using a tool known as BioFinder to identify areas with rare and endangered species which can open negotiation with landowners to try to protect natural resources on the property without excluding development.
- Jean Sirois stated preserving wildlife should be one component, not the only component of review. A landowner has the right to use and develop their land. Protection of natural resources must be done within reason.
- It was noted animals, such as deer, can relocate to a new area if development is infringing on habitat. Clustering houses can protect resources on a property.
- Megan McBride suggested looking at areas the town wants to protect and writing regulations to do that. This will help the town and the landowner as well.
- Gail Albert said referencing maps like BioFinder would be helpful to pinpoint areas. Don Rendell added an overlay zone could be created, but care needs to be taken when highlighting sensitive areas because collectors may come and remove the rare/endangered species.

- Megan McBride suggested doing an overlay for key pieces that are not currently protected. Don Rendell pointed out this is already being done with the forest blocks.
- Dean Pierce suggested the issue of finding a balance with the scale of a subdivision and preserving natural resources could be with language saying "...any major subdivision (four or more lots or 10 or more in the form based zone) must be designed to avoid necessary wildlife habitat and endangered species...."
- Stephen Selin expressed concern that maps identifying sensitive areas could impact the value of a property, and suggested Section 810 could be edited to say "...a subdivision must be designed where possible to avoid habitat...."
- Gail Albert urged having Shelburne Natural Resources Committee involved earlier in the process to review the property before a development design and proposal advances too far.
- Jason Grignon pointed out this is opportunity to support recommendations in the town plan.
- Neil Curtis said the language in the first paragraph of Section 810 gives the DRB latitude to decide whether a natural resource on a site is an asset to be protected.
- Don Rendell recalled a report that was done several years ago that found areas with natural resource protections in place did not reduce the value of the land and very often enhanced the value of the land.
- Megan McBride commented that any development should benefit the town and balance what the people want and the areas to protect.
- Jean Sirois stated the town cannot say no to development or the town will not exist. Give and take needs to happen. The word "avoid" in Section 810.1, paragraph 2, should be replaced with "minimize".
- Jason Grignon pointed out there is a big difference between "avoid" and "prohibit". Language is needed to support what the town wants as stated in the town plan.

#### *Section 1900.11 Administrative Review*

- The language aligns with the bylaws in surrounding towns and applies to minor site plan review applications or a change in use, not larger projects.
- The Planning Commission expressed concern about the allowance for an increase in building area or impervious coverage at 5,000 s.f. or 3% of site coverage as being too great for administrative approval.
- There was clarification that the Administrative Officer per Shelburne's charter is the Town Manager, but customarily the DRB Coordinator or Planner handles administrative approvals.

#### EDITS

##### *Section 810*

The Planning Commission concurred with editing the second paragraph of Section 810.1 to read: "Any major subdivision (four or more lots; 10 or more lots in the Form Based District) must be designed to avoid necessary wildlife habitat and endangered species..." and editing the second paragraph under the section defining undue adverse impact on rare and irreplaceable natural areas to read: "The project does not violate a clear, written community standard such as the language contained in the town plan, open land studies,

bylaws, and other municipal documents intended to preserve rare and irreplaceable natural areas.”

#### *Section 1900.11*

The Planning Commission concurred with editing Section 1900.11.A, 2<sup>nd</sup> sentence to read: “The Administrative Officer may review, approve, approve with conditions, or deny: site plans involving a principal permitted use, site plans involving an approved conditional use, and site plans of planned unit developments if the proposed amendment meets one or more of the following criteria:”

#### NEXT STEPS

The Planning Commission will discuss at a future meeting the paragraph in Section 810 about a project “not offending the sensibilities of the average person” to determine if the paragraph should be edited or deleted.

The Planning Commission will continue discussion of Section 1900.11 at a future meeting. Staff will provide a visual to show an example of increase in building area or impervious coverage of 5,000 s.f. or 3% of site coverage.

Review of the bylaws for regulatory reform will continue.

### **8. OTHER BUSINESS/CORRESPONDENCE**

#### *Housing Subcommittee*

Jason Grignon reported the Selectboard voted to appoint subcommittees through the CBC appointment process. All terms would be 3 years and the subcommittee would report to the Selectboard. This impacts the Housing Subcommittee appointed by the Planning Commission for a term of one year. Presently there are two vacancies on the Housing Subcommittee. The Planning Commission could rename the subcommittee as a ‘working group’ and avoid having the Selectboard make the appointments.

The Planning Commission will submit questions to the Selectboard on subcommittee appointments.

### **9. ADJOURNMENT**

**MOTION by Jason Grignon, SECOND by Deb Estabrook, to adjourn the meeting.  
VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 9:27 PM.

*RScy: MERiordan*