

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
April 28, 2022**

***Hybrid Meeting.**

MEMBERS PRESENT: Steve Kendall (Chair); Marla Keene, Stephen Selin. (Jean Sirois and Deb Estabrook were absent.)

STAFF PRESENT: Adele Gravitz, Planning Director; Ken Belliveau, Acting DRB Coordinator.

OTHERS PRESENT: **DRB Members:** Mark Sammut, Anne Bentley, John Day, Mike Major, Allyson Myers, David Hillman, Bob Glover
Selectboard Members: Mike Ashooh, Matt Wormser, Cate Cross, Kate Lalley,
Members of the public participating in the meeting included Joyce George, Pete Serensky, Robilee Smith, Rosemary Sadler, Rowland Davis, Steve Brandon, Shelley Crombach, Tracey Beaudin Nancy Badami, Jim White, Diana Davis, Chris Latta, Jessica Trautwine, Dorothea Penar, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (4/14/22)
4. Disclosures/Potential Conflicts of Interest
5. Election of Officers
6. Open to the Public
7. Updates/Follow Up Items
8. PC/DRB Conversation on FBC
9. Other Business/Correspondence
10. Adjournment

1. CALL TO ORDER

Chair, Steve Kendall, called the virtual meeting to order at 7 PM. Introductions were done.

2. APPROVAL OF AGENDA

MOTION by Stephen Selin, **SECOND** by Marla Keene, to approve the agenda with the amendment to postpone the election of officers until the next meeting. **VOTING: unanimous (3-0); motion carried.**

3. APPROVAL OF MINUTES

April 14, 2022

MOTION by Marla Keene, **SECOND** by Stephen Selin, to approve the 4/14/22 minutes as presented. **VOTING: unanimous (3-0); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. ELECTION OF OFFICERS

Postponed.

6. OPEN TO THE PUBLIC

Rowland Davis mentioned his application for a seat on the Planning Commission and asked the commissioners to review the memo he submitted outlining a multi-step process to resolve the issues with form based code, specifically the Mixed Residential Character District.

7. UPDATES/FOLLOW UP ITEMS

The following was noted:

- Vacancies on the Planning Commission have been posted on Front Porch Forum, the town website, and an email blast. Interviews will be scheduled for applicants in two weeks.
- The draft RFP for a consultant to review Mixed Residential Character District of the Shelburne Road Form Based Overlay District is ready for review by the Planning Commission and release.
- The Bike/Ped Connectivity Advisory Committee met on 4/25/22 to review analysis methodology and early findings from the survey. A community meeting will be held on May 25, 2022 to present findings.
- Selectboard retreat is 4/30/22 beginning at 2 PM.
- The public hearing by the Selectboard on the outdoor dining bylaw is scheduled on 5/24/22.

8. PC/DRB CONVERSATION ON FORM BASED CODE

The following was noted/discussed:

- Introductory paragraph in Section 2200.2.C of form-based code says form-based code supersedes any other zoning bylaws so the DRB has no say with form-based code applications that satisfy the checklist though the DRB can waive certain requirements to a certain extent.
- Per the language in the zoning regulations, form-based code and the conventional zoning regulations are separate and exclusive of each other.
- Form based code is very prescriptive and there is not much exception.
- Developers acknowledge they must follow what the code dictates even when it does not make sense for the project or site (i.e., build a sidewalk to nowhere).
- Editing the form-based code text will make it even more complicated.
- There is question as to why a form-based code application even needs to go before the DRB for review if the developer is not seeking any waivers.
- Developers using form-based code for their development will know precisely what must be built and can therefore know the cost of the development.
- In Shelburne, a developer has a choice to use form-based code or conventional zoning when doing a project. This choice should be eliminated and only one code should be offered.

- The DRB has a function in safeguarding how form-based code is implemented. The DRB could challenge a developer to explain why the proposal is as it is and encourage working with neighbors impacted by the project.
- Applying rules appropriately to avoid litigation for the town factors into the discussions by the DRB.
- Review of applications by a board with members who know the town and live in the town is better than by one staff person. The Planning & Zoning Office does not have the manpower to review and decide all form-based code applications. More staff would be needed.
- Staff must do due diligence before projects can move forward.
- Form based code is not integrated into the zoning regulations that preceded it and this should be done. More clarity is needed on procedural steps.
- Form based code, the goals and how to meet those goals, needs to be better explained to the townspeople to have an understanding of outcomes.
- A goal of form-based code was to have different or better results on Shelburne Road, but form-based code is voluntary for an applicant so this may or may not happen.
- Feedback is needed on other form-based code projects along Shelburne Road.
- If the disconnect of what is existing and what is to be built with a form-based code project is so great, then there is opportunity for warfare with neighbors.
- The form-based code overlay does not fit in some locations so a transitional overlay might be beneficial.
- The Planning Commission has received negative feedback on development under conventional zoning on Route 7.
- The DRB has received feedback on development not being compatible with the surrounding area (i.e., density too great).
- Form based code is usually for areas needing redevelopment, not in established, stable, desirable neighborhoods.
- Form based code will produce “cookie cutter” design and does not recognize historic resources.
- A small area should be tested with form-based code to determine if this will attract what the town desires.
- The design charette for form-based code did not provide a realistic picture of the potential for development to change the complexion of Route 7.
- There are some areas where form-based code development might be a good idea, but is not feasible.
- The form-based code document is too long (156 pages) and complicated.
- The town’s conventional zoning regulations are antiquated and has conflicting information, subjective language, and lack of clarity. This needs to be addressed.
- The town needs to ask what needs to be regulated by the town if there are federal and state regulations already in place for what is being regulated.
- The incentive with form-based code was to expedite the review/approval process with projects.

- A new charette is needed to determine what the town wants on Shelburne Road and to deal with changing development trends (i.e., apartments rather than condominiums, less parking, more green spaces).
- Shelburne Road is separate from the residential districts behind.
- With form-based code Champlain Housing Trust is converting buildings (motels/hotels) on Shelburne Road into affordable housing.

9. OTHER BUSINESS

Sketch Plan Application

There was agreement the application form is overly complicated. The Planning Commission will discuss this at a future meeting.

RFP

The RFP proposals to Clarify and Illustrate Ramifications of the Mixed Residential Character District are due May 13, 2022 to be awarded on May 20, 2022. The work will be complete by June 2022.

10. ADJOURNMENT

MOTION by Stephen Selin, SECOND by Marla Keene, to adjourn the meeting.

VOTING: unanimous (3-0); motion carried.

The meeting was adjourned at 9:21 PM.

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