

**TOWN OF SHELBURNE  
PLANNING COMMISSION  
MINUTES OF MEETING  
June 9, 2021**

**\*Meeting held via teleconference.**

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

**STAFF PRESENT:** Lee Krohn, Town Manager.

**OTHERS PRESENT:** Gail Albert, Joyce George, Don Rendall, Media Factory (Wendy).

**AGENDA:**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (5/26/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Zoning Amendments “2<sup>nd</sup> Bundle”
7. Other Business/Correspondence
8. Adjournment

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**1. CALL TO ORDER**

Chair, Steve Kendall, called the teleconference meeting to order at 7 PM and held roll call.

**2. APPROVAL OF AGENDA**

**MOTION by Jason Grignon, SECOND by Jean Sirois, to approve the agenda as presented. VOTING: unanimous (5-0); motion carried.**

**3. APPROVAL OF MINUTES**

*May 12, 2021*

Postponed due to lack of a quorum present at the 5/12/21 meeting.

*May 26, 2021*

Postponed due to lack of a quorum present at the 5/26/21 meeting.

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

None.

**5. OPEN TO THE PUBLIC**

None.

**6. ZONING AMENDMENTS (“2<sup>nd</sup> Bundle”)**

*Fences*

There was discussion of administrative approval settling issues with fences, but if this is not possible the Administrative Officer reserves the right to send the matter to the DRB for review. Don Rendall suggested language be added to say fences shall be installed to accommodate wildlife travel rather than referring to mapped wildlife corridors because these do not exist. The Planning Commission felt the need to provide a credible source defining a wildlife corridor so these can be known for benefit of all parties. It was not thought that a landowner's intent for a fence is within the Town's jurisdiction. The language could say the fence shall not interfere with wildlife corridors such as forest blocks, riparian areas, and wildlife areas. Such broad language may not communicate with sufficient clarity where fences are permitted; and requiring 'breaks' or holes in fences for wildlife travel may defeat the purpose of a fence. Steve Kendall suggested adding reference to the ANR maps or tools like BioFinder. Joyce George suggested limiting the linear feet of fence allowed under administrative approval to 800'. Absent an objective rationale for that number, there was consensus to include it in the next draft. Staff will draft language for consideration at the next meeting.

#### *Boundary Line Adjustment (BLA) & Lot Merger*

The Planning Commission agreed with the statement saying the Administrative Officer reserves the right to refer a BLA or lot merger to the DRB if warranted, however, the DRB has no criteria to form a judgement on these proposals. Following discussion, the Planning Commission agreed to combine language pertaining to BLA and lot merger into one section, being fundamentally similar issues with the same new approach of administrative approval with the right reserved to refer to the DRB if deemed necessary.

#### *Section 1900.11 - Administrative Review*

Lee Krohn said he does not yet have examples pulled together on increase in site coverage or building size (square footage or percentage of increase). There is language in the section that gives the Administrative Officer the right to refer a proposal to the DRB. There was discussion of the landscaping cost element and whether this is a useful criterion for judging landscaping. Quality of the plantings rather than cost should be considered. It was noted cost value is most applicable to commercial projects, not residential sites. Following discussion, there was agreement to add language stating substitution of comparable species is acceptable.

#### *Conditional Use and Subdivision Approval Conditions*

As with the matters discussed above, it was agreed to add the same language that while administrative approval may be possible in certain circumstances, the Administrative Officer reserves the right to refer applications to the DRB if deemed necessary.

#### *Section 810*

There was discussion of including language on Act 250 criteria that the town wants. Gail Albert urged that Town standards be more stringent than the State standards. Following discussion, there was agreement staff should invite a representative from ANR to a joint meeting with the Planning Commission, Natural Resources Committee, DRB, and the public to clarify current State standards, and importantly, to understand the ramifications of stricter standards.

*Setbacks*

Lee Krohn asked on behalf of the DRB that the array of different setbacks in residential areas of Town be made consistent. It is difficult for landowners, staff, and others to know which rule apply and where, when these are different all over Town. The ‘normal’ residential setback for an accessory structure is 15’, sometimes it might be 35’, or 50’, or even 75’. Applicants and the DRB find this hard to understand and to implement. In a number of prior and at least one recent case, amendments were granted on a case by case basis to individual landowners, where it was found that a PUD/PRD style subdivision approved with smaller than normal lots but with larger than normal setback requirements created unreasonable limitations upon typical uses of residential properties. It was questioned why rules would be written this way when developments are otherwise proposed in ways encouraged by the Town (smaller lots, larger blocks of contiguous open space, less overall land disturbance...). The Planning Commission felt that these larger setbacks within subdivisions should be researched and delineated, and felt that the issue is complicated and requires more discussion.

*Sidewalks and Simplifying the DRB Process*

Discussion postponed to the next meeting.

**7. OTHER BUSINESS/CORRESPONDENCE***Housing Subcommittee Meeting*

Jason Grignon reported the housing subcommittee discussed accessory dwelling units at their last meeting.

**8. ADJOURNMENT**

**MOTION by Jean Sirois, SECOND by Jason Grignon, to adjourn the meeting.**

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

The meeting was adjourned at 9:13 PM.

*RScty: MERiordan*