

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING
June 13, 2019**

MEMBERS PRESENT: Jason Grignon (Chair); Andrew Everett, Kate Lalley, Neil Curtis, Megan McBride. (Stephen Selin was absent.)
STAFF PRESENT: Dean Pierce, Planning Director.
OTHERS PRESENT: Matt Wheeler, Regina Limoge, Mike Koch, Jonathan Harris, Amanda Herzberger.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (5/9/19)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Zoning Matters
7. Planning Matters
8. Other Business/Correspondence
9. Adjournment

1. CALL TO ORDER

Chair Jason Grignon called the meeting to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Kate Lalley, **SECOND** by Neil Curtis, to approve the agenda as presented. **VOTING: unanimous (5-0); motion carried.**

3. APPROVAL OF MINUTES

May 23, 2019

MOTION by Andrew Everett, **SECOND** by Kate Lalley, to approve the May 23, 2019 minutes with the following correction(s)/clarification(s):

- **Page 2, Public Hearing, Accessory Apartments, paragraph beginning “There was discussion of allowable size...”, sentence beginning “In contract...” – change “contract” to “contrast”.**
- **Page 3, Form Based Zoning, sentence beginning “Presently there are three properties...” – rewrite the sentence to read: “There are three properties in the Route 7 corridor that are looking into using Form Based Zoning for development.”**
- **Page 3, Form Based Zoning, paragraph beginning “Tyler Scott...”, sentence beginning “The lot has a significant drop off....” – change “east side” to “west side”.**

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

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

There were no comments from the public.

6. ZONING MATTERS

Form Based Zoning: Case Study

Mike Koch with Civil Engineering Associates, Matt Wheeler, and Regina Limoge reviewed a proposed project on Route 7 under Form Based Zoning. Matt Wheeler explained as a housing developer they build low to medium income housing. The property under discussion has an existing house with five rental units comprised of four 1-bedroom units renting for \$800/month and one 2-bedroom unit renting for \$1150 per month. Improvements already done to the property include the installation of energy efficient windows, zone heating and electric so each unit controls their own utilities, inside insulation, roof improvements, and new siding. Under Form Based Zoning it is thought there is the potential for more apartment buildings on the property.

Mike Koch said the density under conventional zoning is 10,000 s.f. per unit. The total square footage on the lot is 177,000 s.f. The five units in the building take up 50,000 s.f.. Doing a PUD or even moving the existing structure has been discussed. Moving the structure will be challenging and cost prohibitive. The existing building is not Form Based Code compliant. Options with the building include moving to another location, tearing down the building, or seeking waivers under Form Based Zoning. The building is in the character of the surrounding area. Requested waivers would be due to the site constraints and be relative to the road width, sidewalk requirements, and the requirement of each building being on its own lot. The property slopes in the back so a new building located there would likely not be seen.

Andrew Everett asked why the existing south side entrance to the property is not under consideration. Matt Koch said the suggested access road on the north side of the property is for possible future phases and expanding to the east. Also, having the access on the north side of the property avoids the Class 3 wetlands.

Kate Lalley commented connectivity between neighborhoods is one of the goals of Form Based Code. Ms. Lalley asked about the access road orientation to Route 7. Mike Koch said the road alignment is parallel to the private road to the north for possible future connection and to stay out of the wetlands. Matt Wheeler noted the next phase of development on the site (nine more units) would not occur for at least for five years.

There was discussion of maintaining the existing building (historic building) which will allow more density to be built on the site. Kate Lalley suggested freeing up space in the parking lot by having some on-street parking and allowing more square footage in the building. The street should be public domain so there can be connectivity. Dean Pierce said the parking lots can connect so people can visit two properties without going out onto Route 7. Kate Lalley suggested the preliminary road into the property could be allowed to be narrower and as the lots get developed then the street would have to be improved (widened). Jason Grignon pointed out the right-of-way space would have to

remain unused until the road has been brought up to the required width. Dean Pierce said another option could be to change the street type under Form Based Code.

There was discussion of the requirement of one building on a lot. Dean Pierce said Form Based Zoning allows multiple buildings on a lot with a waiver or another building type could be created called “existing building”. If the existing building is residential then there could be a relatively high density compared to conventional zoning. The applicant could propose a plan with two types of buildings on the lot, but waivers would be necessary. There was mention of the subdivision regulations and triggers for subdivision (multi-family, apartment buildings, shopping centers). Kate Lalley said consideration could be given to expanding the housing building types to cover duplexes, triplexes.

Dean Pierce mentioned Bob Gauthier is talking about constructing a new building on Route 7, but wants to keep the existing building that is located at the rear of his lot. Mr. Gauthier would like to take advantage of Form Based Zoning, but has concerns with some of the requirements such as the 9’ ceilings and the 2’ ground floor elevation.

Brandy Saxton Form Based Code Changes/Simple Fixes, Bigger Fixes

The Planning Commission discussed how to approach review of the volume of changes by Brandy Saxton. Some changes that can be implemented include fewer nodes and using more of the corridor for storm water management. Input from property owners and developers is needed on what works for them or what is expected in the corridor. Jason Grignon suggested first getting a package of the “clean up” changes ready and submitted to the Selectboard then having a session to refine concepts such as street types, waivers, and such, and then send a full package of changes to the Selectboard.

Dean Pierce said many of the changes covered by Brandy Saxton will address issues that have been raised with Form Based Code. There is new language that will allow an applicant to redevelop a site that has a permit. With a residential project the density to remain on the site will be based on the building type (i.e. form based density can be used even though the building pre-existed). The new language would assist the Wheeler/Limoge proposal in the Route 7 corridor. Another suggested change pertains to the ground floor elevation and measuring the number of stories in a building from floor to floor rather than floor to ceiling then revisiting the floor elevation numbers (0’ to 2’ and 2’ to 4’). Regarding the ‘to build’ line (how much of the building must be up close to Route 7) the change would be to allow the number to be tweaked to facilitate a project.

There was discussion of how to present the changes to Form Based Code to the Selectboard and the public. Dean Pierce said the redline version of the document showing the changes can be used. Items that were changed can be highlighted.

Staff will send the revised Form Based Code document to all Planning Commission members for discussion. The Planning Commission will try to go through as many sections as doable at each meeting.

7. PLANNING MATTERS

Clean Up Amendment to Comprehensive Plan

Dean Pierce stated the maps in the new town plan show all the conservation areas in town and include areas that are part of open space such as the parking area and area surrounding Teddy Bear. Another clean up item is the Vermont Land Trust easement and the PUD on Shelburne Farms. A new archeological map is anticipated as well.

Neil Curtis asked if the conservation maps are from a data layer or by the Planning Commission drawing a line. Dean Pierce said the maps are based on a set of rules, but the rules are not always applied equally. Jason Grignon said the Planning Commission wanted to highlight on the map that the lands are protected. Dean Pierce said his understanding was the intention was to more broadly define conserved lands. Kate Lalley said the intention was to define conserved land and address connectivity.

8. OTHER BUSINESS/CORRESPONDENCE*Dick Elkins Resignation*

Jason Grignon read the resolution of appreciation and acknowledgement of the years of service to the town by Dick Elkins who recently retired from the Planning Commission.

Resilient Vermont Conference

Jason Grignon said a memo on the recent Resilient Vermont Conference is forthcoming.

Attendance Sheet

Planning Commission members are urged to complete the attendance sheet for upcoming meetings.

Section 340 of Zoning Bylaws

There was discussion of Section 340 of the zoning bylaws. Jonathan Harris, High Acres Farm, briefly reviewed his interpretation of the zoning bylaws relative to boundary line adjustments and the application that is before the DRB.

9. ADJOURNMENT

MOTION by Kate Lalley, **SECOND** by Andrew Everett, to adjourn the meeting.

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

The meeting was adjourned at 9:22 PM.

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