

**TOWN OF SHELBURNE
PLANNING COMMISSION
MINUTES OF MEETING**

November 18, 2021

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

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

STAFF PRESENT: Lee Krohn, Town Manager.

OTHERS PRESENT: Members of the public participating in the meeting included Ann Hogan, Robilee Smith, Kevin O'Brien, Robert Millay, Donna Millay, Barb Pratt, Pete Serisky, Gail Albert, Joyce George, Media Factory.

AGENDA:

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (10/14/21)
4. Disclosures/Potential Conflicts of Interest
5. Open to the Public
6. Priorities Going Forward
7. Form Based Zoning, Issues & Concerns
8. Other Business/Correspondence
9. Adjournment

1. CALL TO ORDER

In the absence of Chair, Steve Kendall, Vice Chair, Jason Grignon, called the hybrid meeting to order at 7 PM.

2. APPROVAL OF AGENDA

MOTION by Neil Curtis, **SECOND** by Jean Sirois, to approve the agenda with the amendment to address form based zoning prior to the discussion of priorities going forward. **VOTING: unanimous (5-0); motion carried.**

3. APPROVAL OF MINUTES

October 14, 2021

MOTION by Stephen Selin, **SECOND** by Jean Sirois, to approve the minutes of 10/14/21 with clarification that the items listed as priorities (Agenda Item #7) were topics discussed or mentioned and change to the bullet in agenda item #7 referring to 'work on one section of the town plan' to read: "Consider working on a section of the town plan prior to when the town plan needs to be updated to minimize the work required." **VOTING: unanimous (5-0); motion carried.**

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

5. OPEN TO THE PUBLIC

Lee Krohn gave a brief update on the public hearing held by the Selectboard on zoning changes submitted by the Planning Commission. The Selectboard asked that the Planning Commission consider allowing fences as close as 3' from a public sidewalk and citing Title 24 of state statute for DRB hearings to show the regulating rules for public notice of hearings, and to clarify the quasi-judicial nature of DRB proceedings. The Selectboard will address the amendments in December.

The Planning Commission discussed the fence location as good placemaking and concurred the 3' distance should apply anywhere in town where there is sidewalk. The Planning Commission also concurred with citing reference to state statute (Title 24). There was brief discussion of the two-step application review process (sketch to final) and the scale of the drawings to be submitted. No changes were suggested.

6. FORM BASED ZONING, ISSUES & CONCERNS

Residents in the form based overlay district expressed concern about the density allowed which will impact traffic, noise, and character of the neighborhood. Concern was also expressed about the inability of the DRB or residents to be able to oppose a proposed development that does not fit in a neighborhood and is not compatible with what is in the town plan because the proposal meets all the requirements outlined in form based code. The residents urged to maintain the character of neighborhoods with single family or duplex houses form based code should be changed to not allow three story, 24-unit buildings in these neighborhoods and greater setbacks from adjacent properties should be required. Also, special conditions should be applied in form based code to properties in the lakeshore overlay to protect natural resources. Finally, the DRB should be able to determine how to protect the environment and allow the development the town is seeking. There was mention that there could be conflicts with Act 250 permits for projects done under form based code which will be a problem for the developer. It was also stated that form based code does not take into account historic resources (buildings/places) or topography.

There was a brief explanation of the intent of form based code (to incentivize development with greater density and to have greater control on what a project will look like). It was noted that projects already submitted under the existing form based code will not be affected by changes made to the code. Projects are subject to the bylaws in place when the application is submitted.

It was noted that individuals can have input on projects at Act 250 hearings and appeal decisions to the Environmental Court. There was a question of what version of form based code would apply to an application that was submitted under an earlier version and then had changes made at Act 250 review requiring a revised site plan be submitted.

Following further discussion of concerns with form based code, the Planning Commission felt it may be acceptable to implement interim zoning and suspend form based code so review can take place to confirm the code is following the original intent and to avoid development proposals that do not fit into an area. The Planning

Commission will look at what is allowed for buildings that front Route 7 and those that do not, and any changes that have broad support. Staff will outline options with form based code for consideration.

7. PRIORITIES GOING FORWARD

Due to time constraints, discussion of priorities going forward will continue at the next meeting.

8. OTHER BUSINESS/CORRESPONDENCE

Next Meeting

December 9, 2021 is the next Planning Commission meeting.

Bylaw Modernization Grant

Lee Krohn announced that the application has been submitted for a state bylaw modernization grant with the focus on affordable housing and natural resource protection.

9. ADJOURNMENT

MOTION by Neil Curtis, **SECOND** by Marla Keene, to adjourn the meeting.

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

The meeting was adjourned at 9:11 PM.

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