**Town of Shelburne Planning Board**

**Minutes of Remote Participation Meeting Sept. 22, 2021**

A duly posted meeting of the Shelburne Planning Board was held remotely on Wednesday, September 22, 2021 at 7:00 pm using Zoom online software.

Present: John Wheeler, Chair

Will Flanders

Tricia Yacavone-Biagi

Seth Wilschutz

Cam Stevenson

Administrative Assistant: Faye Whitney

Guests: Donna MacNicol, Joe Palmeri, Eric Lucentini

Absent: None

The meeting was called to order at 7:03 p.m. John Wheeler noted he was recording the audio of the meeting.

**Meeting with Town Counsel Donna MacNicol**

The Board was joined by ZBA members Joe Palmeri and Eric Lucentini.

Six topics for discussion were on the agenda.

The first was changing marijuana definitions to simply reference the CCC’s definitions. Donna said if the town didn’t list definitions, it would default to those of the CCC. She will check with the AG to see if the town can refence CCC definitions or just remove the definitions from the bylaws. Seth suggested removing the definitions while making sure the Board is keeping up with CCC changes.

The next topic was how to change the bylaws to replace the old practice of issuing inappropriate variances. It is almost impossible to issue a variance, as three, strict criteria must be met. Donna said new case law says that single and two-family non-conforming structures do not need variances. It was suggested that the bylaws could be changed to have some things now covered by variances instead require a Special Permit. Most variance requests are due to setback requirements. The town would not want to lose setback requirements but perhaps those setbacks could be changed for the crowded village commercial and village residential areas. Joe Palmeri suggested that there be a density bylaw for the village.

Related to the topic of variances were findings. The ZBA finds issuing findings to be difficult as there are no criteria. Donna suggested that the ZBA discuss the issue then bring suggestions to the Planning Board for a bylaw change.

Using tax title properties for affordable housing was the next topic. Many of the tax title properties involve non-conforming lots. Donna said a developer could come in and would be able to waive zoning requirements if affordable housing were to be built. The problem is finding a developer. Two of the town’s tax title properties have houses that should be demolished and are on non-conforming lots. Donna felt that a building permit could be issued to rehabilitate those houses, which would be grandfathered, as long as the structures were rebuilt on the existing footprint.

Next up was a possible revision of the home-based business section of the bylaws. Donna said Shelburne had one of the more comprehensive home-based business bylaws and none of the 13 towns she represents had a better one. The current bylaw does not deal with different types of businesses, such as production, sales, office, etc. Also, it does not forbid retail operations. Those portions may need to be fine-tuned.

The last subject concerned several members of the Board being on a committee that is working to get the CPA adopted and were there any ethical limits to that. Donna said as long as there were no financial interests involved and as long as the Board members represented themselves as individuals, not speaking for the Planning Board, it was fine.

The sign bylaw was discussed and all agreed it was very difficult to enforce. Currently there are complaints about the number of “banner” signs. It was thought if those types of signs were eliminated other signs would soon take the place. There is a fine line between the rights of business owners to choose what signs to have and the complaints concerning the proliferation of signs. John Wheeler suggested that everyone look over the current sign bylaw and make suggestions.

**Minutes**

The minutes of September 8 were discussed and changes to be made were noted. A motion was made by Will, seconded by Tricia to approve the minutes of September 8, as amended. Roll call vote: Will – aye; Tricia – aye; Seth – aye; Cam – abstain; John – abstain. Motion passed 3-0-2.

**OLD BUSINESS**

**CPA** – Will and John have been attending CPA meetings. The discussion has concerned getting a proposal in place to be voted on at next year’s Annual Town Meeting. A public hearing on CPA will be scheduled for November 3. Will said at the next CPA meeting the group was hoping to settle on what materials to give to other boards and the public.

**Planning Board Goals for the Next Year** –

Consider AG’s response to marijuana definitions

Change agricultural greenhouse in the use table

Work on adjusting Section 10, Findings/Variances

Resiliency/Sustainability

Housing needs

**Admin Assist Position Transition**

Faye and Liz have had one meeting and will have at least one more. Liz will turn over the computer and keys to the filing cabinets at the end of this month.

**COMMITEE and REGIONAL PROJECT UPDATES**

No updates

**Other business not reasonably foreseen 48 hours prior to the meeting –** nothing presented.

**Mail –** None

**Public Comments** – none.

**Schedule next meeting -** The Board will meet remotely again at 7:00pm on October 13.

At 9:17 p.m. a motion to adjourn the meeting was made by Will and seconded by Tricia. Roll call vote: Will – aye; Tricia – aye; Seth – aye; Cam – aye; John – abstain. Motion passed 4-0-1.

Respectfully submitted,

Faye Whitney

Administrative Assistant

**List of Documents:**

None