Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting via Zoom ~ August 8, 2023

A duly posted meeting of the Shelburne Planning Board was held remotely via Zoom, on Tuesday, August 8, at 6:30 p.m.

Present: John Wheeler

Will Flanders

Tricia Yacovone-Biagi

Faith Williams

Seth Wilschutz

Absent: None

Administrative Assistant: Faye Whitney

Guests: Kimberly Noake MacPhee, Rick LaPierre

The meeting was called to order at 6:34 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

A motion was made by Will, seconded by Seth, to approve the minutes of July 11. Roll call vote: Will – aye; Tricia – aye; Faith – aye; John – aye; Seth – abstain. Motion passed 4-0-1.

**Mail, Memos, and Other Correspondence –** Notices of upcoming hearings were received from Deerfield.

**Appointments – Kimberly Noake MacPhee, Climate Resilient Zoning Changes – 6:45 p.m. –** Kimberly said site plan review was brought up about 20 years ago and the town was not in favor. Site plan review could be a tool for the watershed zoning. Site plan review can be applied to certain by-right uses and can incorporate certain improvements. It is a process that would be conducted by the Planning Board. It is up to the town how it is used. For example, Conway uses it only for a few uses, Deerfield uses it for many more. Site plan review needs to be done before a building permit is issued. Seth said it is a lot of work for applicants. It is the only tool a community has over the by-right process. Site plan criteria can include parking, traffic, drainage, roadways, signage, utilities, screening, and lighting.

There are two bylaw options for storm water management, a new section of the general bylaws or weaving it into the zoning bylaws. Will thought it more likely that the town would approve a storm water bylaw than site plan review. Will added that he didn’t feel competent to review storm water management plans. The board would need to work with the DPW or a civil engineer. Kimberly asked if the board had adopted the rule requiring applicants to pay for third party review. John thought that had been done.

**ANR Plans/Subdivision** – Kiki Smith would like to create a new lot on the corner of Patten and Reynolds Roads. The new lot would be 5.36 acres in size and there is plenty of frontage. The rest of the existing parcel will have a CR. Both Tricia and John are abutters to this property. A motion was made by Will, seconded by Seth to approve the ANR for Katherine Smith. Roll call vote: Will – aye; Tricia – aye; Faith – aye; John – aye; Seth – aye. Motion passed 5-0-0.

**Zoning Relief/Special Permit Applications** – Molly Cantor, owner of the former Swan Lot, on Bridge Street has asked for permission to have a food trailer on the lot. While saying that having more diverse food options in the village was a plus, The board had several concerns. They were worried about connecting an unstable structure (trailer) to water and sewer systems citing building codes requiring a foundation. The board would prefer that the trailer be sited further back on the lot, not so close to the sidewalk. Will thought having a trailer in that location was not appropriate and did not want to set a precedent. A motion was made by Will, seconded by Seth, to recommend to the ZBA that they deny the Special Permit to Molly Cantor for the following reasons, it is too close to the sidewalk, an unanchored building should not be connected to water and sewer, a trailer is inappropriate as a commercial structure in the village commercial zone, and a precedent should not be set. Roll call vote: Will – aye; Tricia – aye; Faith – aye; John – aye; Seth – aye. Motion passed 5-0-0.

Will suggested that perhaps a bylaw allowing food trucks in certain areas should be created.

Discussion on an application coming before the ZBA from Catamount Cannabis was tabled until the next meeting.

**OLD BUSINESS**

**Bylaw Update** – Nothing new to report.

**NEW BUSINESS**

**Flea Market Bylaw** – A meeting with Town Counsel, the Building Inspector and several others had been held regarding the need for some town control over flea markets on Route 2. A bylaw from another town had been shared as a template and starting point for Shelburne. The board felt that including definitions was important and that the bylaw should be expanded to include definitions of tag sale, yard sale, craft sale, combined tag sales, and community wide tag sales. There was concern expressed about how to enforce such a bylaw. Time frames were discussed, how many days, what times. Any food vendors should be regulated by the Board of Health. Traffic management plans should be required, but how would that be controlled? Who would enforce the bylaw and what that might cost was a question. Any fees would need to be high enough to pay for added costs and any fines would need to be expensive enough to be discouraging. If fines were to be charged who would collect them and what would be the consequences of not paying? There is no point in making rules if they are not going to be enforced.

**Open Space and Recreation Plan** – The board had been asked to comment on several areas of the plan, including open space development and housing density. It was thought that smaller lots would be beneficial to the town but that had not been approved at Town Meeting. It is hard to know what people want and hard to make decisions without knowing. Tricia was willing to try to create a survey. Some changes to the open space document were made. Tricia will amend the document and John will send it on to FRCOG.

**Committee and Regional Project Updates –** Nothing new to report.

**News Notes –** The newsletter will not be produced until a new editor has been found.

**Other business not reasonably foreseen 48 hours prior to the meeting ­**– Faye has submitted a letter of resignation as Administrative Assistant to the board, effective October 1. The position will be advertised.

**Public Comments –** None

**Schedule Next Meeting** – The next meeting will be on September 5, at 6:30 p.m.

At 9:47 p.m. a motion to adjourn the meeting was made by Tricia and seconded by Will. Roll call vote: Will – aye; Tricia – aye; Faith – aye; John – aye; Seth – aye. Motion passed 5-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant