Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting via Zoom ~ January 9, 2024

A duly posted meeting of the Shelburne Planning Board was held remotely via Zoom, on Tuesday, January 9, 2024, at 6:30 p.m.

Present: John Wheeler

Will Flanders

Tricia Yacovone-Biagi

Seth Wilschutz

Faith Williams

Absent: None

Administrative Assistant: Absent

Guests: Kimberly Noake MacPhee

The meeting was called to order at 6:37 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Appointments –** Kimberly Noake MacPhee had sent a lot of materials just prior to the meeting regarding a proposed storm water management bylaw. The board had previously decided that they wanted the bylaw to be a general, not zoning, bylaw. Kimberly had looked at bylaws from other towns and came up with something for Shelburne based on the town of Deerfield’s bylaw. A general bylaw requires only a simple majority at town meeting in order to pass. The board discussed the proposed bylaw in detail. Questions were raised as to whose purview it would be to enforce the bylaw and that for exempt activities there would be no authority to enforce storm water standards. Tricia felt if there was a bylaw a means to enforce it would be needed. Kimberly noted if the bylaw was too strict regarding single family dwellings, there would be pushback and the bylaw would fail to pass.

Discussion was held on who should be the storm water authority. The regulations say it is the Planning Board, but it was felt the Conservation Commission might be the more obvious group. It was mentioned that anyone other than a civil engineer would be no more qualified than the Planning Board but volunteer town boards simply don’t have the expertise. FRCOG used to have an engineer but that was many years ago. Kimberly said Planning Boards are often the storm water authority. None of the other small towns in the area have storm water bylaws. Who would be the enforcing agency? If the bylaw is a general bylaw it would be the Selectboard. If no board or committee wants to take on the role of storm water authority, storm water regulations could be placed into the existing zoning bylaws. That would require a lot of small changes, all of which would need to be approved by Town Meeting. It was decided that a draft bylaw would be created and shared with other boards. The bylaw will not be ready in time for the 2024 town meeting.

**Minutes**

Minutes of the December 5 meeting were passed over until the next meeting.

**Mail, Memos, and Other Correspondence –** The only correspondence was a notice about DLTA requests, which were discussed later in the meeting.

**ANR Plans/Subdivision** – None.

**Zoning Relief/Special Permit Applications** – None.

**OLD BUSINESS**

**Bylaw Update** – The bylaws, passed at the 2023 have not yet been updated or put on the website.

**MVP Planning Grant** – Nothing new to report

**Food Truck Bylaw** – Seth had looked at bylaws from several other towns and learned that quite a few towns require permits in addition to Board of Health permits. State law defines food trucks as mobile food establishments (MFEs) and requires health permits. To create a new bylaw, first definitions would be added for on-street, on-sidewalk, and off-street MFEs, then criteria for approving such things would need to be created. It was thought that a new bylaw section should be created for MFEs. Discussion was held on having the health permits and possibly fire safety approval be a part of the Special Permit process. Seth agreed to write a draft bylaw to be circulated to the ZBA, Selectboard, and the fire chiefs.

The Board felt that two meetings per month were needed for the next few months and set the following dates: January 23, February 6, February 20, March 5, March 19, and April 2. The storm water bylaw will not be taken to Town Meeting this year. The plan for this year is to work on the food truck bylaw, the municipal trail bylaw, and a bylaw changing the mandate of the Planning Board to add authority for resilience planning. The latter being a general bylaw.

**NEW BUSINESS**

**DLTA Requests** – Each year towns can choose what Direct Local Technical Assistance programs would be most useful. Boards and committees have been asked to submit requests to the Selectboard. The Planning Board went over the list and narrowed their choices to Evacuation Route Assessment and Evacuation Route Map Update, Public Information and Warnings, and Zoning Bylaws for Clean Energy and Storm Water Management.

**Municipal and Non-Profit Trails Bylaw** – The Open Space Committee would like this bylaw removed. It can be discussed at the information meeting.

**FY’25 Budget** – This was tabled until the next meeting.

**OSRP Letter** – A letter of support for the new Open Space and Recreation Plan had been requested. As the deadline for the receiving the letter was short, John had sent a supportive letter on behalf of the Board.

**Committee and Regional Project Updates –** John said the Open Space Committee had said they would support the Planning Board’s’ DLTA request for help with a Master Plan. John had told them the Planning Board did not expect to work on that in the near future.

**Other business not reasonably foreseen 48 hours prior to the meeting ­**– None.

**Public Comments –** None.

Seth announced that he would soon be moving out of town, so the February 6 meeting will be his last. He has already notified Town Clerk Joe Judd. The other Board members expressed their regret at his leaving and thanks for all he has contributed to the town.

**Schedule Next Meeting** – The next meeting will be on January 23, at 6:30 p.m.

At 9:30 p.m. a motion to adjourn the meeting was made by Tricia and seconded by Will. Roll call vote: Will – aye; Tricia– aye; John – aye; Seth – aye; Faith – aye. Motion passed 5-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant