Town of SHELBURNE

Planning Board

MINUTES

Regular Meeting via Zoom ~ March 21, 2023

A duly posted meeting of the Shelburne Planning Board was held remotely via Zoom, on Tuesday, March 21, at 6:30 p.m.

Present: John Wheeler

Will Flanders

Tricia Yacovone-Biagi

Rick LaPierre

Seth Wilschutz

Absent: None

Administrative Assistant: Faye Whitney

Guests: Michael Parry, Andrew Baker, Cynthia Boettner

The meeting was called to order at 6:33 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

A motion was made by Tricia, seconded by Seth, to approve the minutes of March 7. Roll call vote: Will – aye; Rick – aye; Tricia – aye; Seth – aye; John – aye. Motion passed 5-0-0.

**Mail –** Notice of a Deerfield Conservation Commission hearing.

**ANR Plans/Subdivision** – Will had spoken with Town Counsel who said that ANRs need to be decided within 21 days. The only considerations are frontage and acreage. If the plan shows a common driveway there are two options: 1) ask   
the landowner to resubmit a plan that has a note reading: “The common driveway shown on this plan does not comply with the Town of Shelburne Zoning Bylaw because a special permit for the common driveway has not been issued at the time the plan was approved by the Planning Board;” or 2) if the landowner refuses to submit a revised plan with the note, we send a formal letter to the building inspector informing him that the lots served by the common driveway need a special permit before a building permit can be issued. Will plans to come up with language about common driveways that will be added to the ANR application.

The Board considered the Whitaker application for an ANR which showed plenty of frontage and acreage. A motion was made by Will, seconded by Rick, to approve the ANR plan for Ed Whitaker at 278 Old Greenfield Road. Roll call vote: Will – aye; Rick – aye; Tricia – aye; Seth – aye; John – aye. Motion passed 5-0-0.

Town Counsel will be asked how to handle the 21-day requirement for ANRs when the Board moves to once a month meetings.

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

**Appointments –** Public Hearing on Proposed Bylaw Changes

At 7 p.m. a motion was made by Rick, seconded by Will, to recess the regular meeting for the purpose of a public hearing on bylaw changes. Roll call vote: Will – aye; Rick – aye; Tricia – aye; Seth – aye; John – aye. Motion passed 5-0-0.

The hearing was opened by John at 7 p.m.

It was noted that changes to the sign bylaw will only be added to the Annual Town Meeting warrant if last year’s changes are approved by the Attorney General’s office. There were no questions on this bylaw.

The affordable housing bylaw relates only to town-owned tax title properties. Michael Parry, a member of the ZBA, said three ZBA members had discussed this bylaw and wondered about the scope of the bylaw. How many properties are involved and are there any undersized lots in the Rural Agricultural District. Will said that the scope of the bylaw was very small, with only three lots being eligible for this change at the present time. It is unlikely that there are any undersized lots in the RA district. Andrew said that the town needs to look seriously at its available housing stock and that he appreciated the effort the Planning Board had put into creating this proposed bylaw. Andrew suggested putting the proposed bylaw changes in the town newsletter.

A question was asked about the large Apex Orchard sign. That sign was a result of a misinterpretation of the bylaws by the Building Commissioner and was put up before the bylaw change was made, which would prohibit such large signs in the future.

At 7:40 p.m. a motion was made by Will, seconded by Tricia, to close the public hearing. Roll call vote: Will – aye; Rick – aye; Tricia – aye; Seth – aye; John – aye. Motion passed 5-0-0. The regular meeting resumed at 7:41 p.m.

**OLD BUSINESS**

**Sign Bylaws** – This item was discussed at the public hearing.

**Affordable Housing –** This item was discussed at the public hearing.

**FY’24 Budget** – John presented the budget to the Selectboard and Finance Committee, who appeared to be fine with it.

**Bylaw Update** – There has been no response from the Attorney General’s office.

**Rick’s Suggestions for a More Efficient Board** – 1) Limit the agenda to Planning Board specific items. This has been done during the past few meetings. 2) Meet once a month and get the agenda out a week ahead. This should start following the April 4 meeting. 3) Clean up the webpage and get minutes posted more quickly. 4) Ask for a town-owned Zoom account instead of using a personal account. 5) All members should vote, including the Chair. This is now happening. 6) Review, update if necessary, and use the existing Planning Board schedule. It was noted that it is still unclear whether Zoom meetings will be allowed after March 31 or if in-person meetings will be required. A motion was made by Will, seconded by Rick, that starting in April, the Board will meet on the first Tuesday of the month, by Zoom if possible, at 6:30 p.m. Roll call vote: Will – aye; Rick – aye; Tricia – aye; Seth – aye; John – aye. Motion passed 5-0-0.

**NEW BUSINESS**

**Zoom License** – Tricia had asked Terry about getting a second Zoom license for the town. Terry was unsure of the fee.

**Committee and Regional Project Updates –** Results of the Open Space and Recreation survey had been shared.

**News Notes –** The bylaw changes, along with a short explanation, the Whitaker common driveway hearing, and changes to the meeting schedule will be in the next newsletter.

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

**Public Comments –** None.

**Schedule Next Meeting**

The next meeting will be on April 4, at 6:30 p.m.

At 8:11 p.m. a motion to adjourn the meeting was made by Will and seconded by Tricia. Roll call vote: Will – aye; Tricia – aye; Rick – aye; Seth – aye; John – aye. Motion passed 5-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant