Town of SHELBURNE

Planning Board

MINUTES

 Regular Meeting/Informational Meeting ~ January 21, 2025

A duly posted meeting of the Shelburne Planning Board was held at the Town Hall meeting room, on Tuesday, January 21, 2025.

Present: John Wheeler

Will Flanders

 Paul Hollings

Absent: Faith Williams

 Susan Durkee

Administrative Assistant: Absent

Guests: Hugh Knox, Joan Knox, Ursa Marder, Eva Stuglovics, Rick LaPierre, Yassen Abelgawad, Hamdy Abelgawad, Asma Abelgawad, Zakaria Abelgawad, Cody Ryder, Madison Schofield, Crystal Stinson, Laurie Wheeler, John Taylor, Bob Pollock, Mikaela Flynn, Jeffrey Rose, Dorian Rose, Arden Rose, Ashley Bobola, Andrea Donlon, George Boettner, Cindy Snow, Jennifer Martin, Cynthia Boettner, Jackie Walsh, Susan Manatt, Mark Davino, Cate Chadwick, Andrew Baker, Lynn Benander

The meeting was called to order at 6:13 p.m. by Chair John Wheeler, who noted the meeting was being recorded.

**Minutes**

Minutes were tabled until the next meeting.

**Mail, Memos, and Other Correspondence** – None.

**ANR Plans/Subdivision** – An ANR had been received from Gould Maple Farm. They plan to divide out a 2.323-acre lot from a parcel that is approximately 51 acres in size. Form A has been completed, the fee has been paid. The new lot will have about 250 feet of frontage. A new building has been erected on what will become the new lot. A motion was made by Will, seconded by Paul, to approve the ANR as submitted by Gould Maple Farm. Roll call vote: Will – aye; Paul – aye; John – aye. Motion passed 3-0-0.

**Zoning Relief/Special Permit Applications** – Ed Whittaker has submitted plans for a small solar installation. The Board acknowledged receipt of the application and had no objections to the plan.

**Appointments** – None.

**OLD BUSINESS**

**2024 Bylaw Update** – Faye will be updating the official copies of the bylaws.

**Clerical Assistant Update** – The CPC plans to interview three applicants. If any of them is interested, the Planning Board position will be mentioned as well.

**Planning Board** **Term Dates** – John checked with the Town Clerk to determine if the dates posted in the website are correct. The Tow Clerk will check his records.

**FY’26 Budget** – Discussion on this was tabled until the next meeting.

**Informational Meeting** – The purpose of this meeting was to get as many comments and as much input as possible from the public on the four proposed new bylaws.

 **MFE Bylaw** – The intention of the Board had been to be proactive concerning MFEs. It had been the assumption that the one existing MFE would be grandfathered. It was learned, just today, from Town Counsel that because this use was not mentioned anywhere in the existing zoning bylaws, it was not permitted, and therefore cannot be grandfathered. Will said that the choices seem to be to prohibit the existing MFE or allow MFEs to set up anywhere in town. John Taylor, a member of the ZBA, said when this issue came before the ZBA it was determined that it was food establishment and the Use Table in the bylaws allows “Food Service, Other” to be allowed by right in the Village Commercial zone, so no Special Permit was needed. It seemed that neither Will, nor Town Counsel had been aware of “Food Service, Other.” John said that will now be discussed with Counsel. Several people in attendance questioned why the Board seemed to have a fear of food trucks. Will’s personal opinion was that a proliferation of food trucks could change the character of the town and possibly drive away tourists. Hamdy Abelgawad, a part-owner of the existing MFE, felt his business was actually attracting people to town. It was mentioned that the two most recently vacated lots had received permissions to rebuild, but were stopped by economic reasons, not by zoning bylaws. John Taylor said that almost every lot in the Village Commercial zone is non-conforming. The Planning Board could make things easier to rebuild or alter structures in that zone if they changed the bylaws. Someone pointed out that there are taxes being paid to the town on the property, though not on the existing MFE itself. Some urged the Board not to proceed with this until there was a way for the existing MFE to stay. Will said there could be a bylaw allowing MFEs to park anywhere in town. Is that how people want the town to look? Others in the audience wanted to support all local businesses. Someone suggested creating a bylaw to simply allow MFEs and if there were issues caused by MFEs in the future bylaw could be amended. Another suggestion was to have MFEs by Special Permit so conditions could be imposed, or to limit them to one per lot. It was John Taylor’s opinion that if the proposed bylaw would remove the existing MFE, it should not go forward. If it can be grandfathered the Planning Board should work on the grey areas surrounding MFEs. The consensus of the room seemed to be in favor of MFEs. The Board will take the suggestions into consideration and will be talking with Town Counsel.

 **Short-Term Rental Bylaw** – This bylaw is proposed because so many rental units are being converted for places for visiting tourists to stay, while there is an insufficient amount of long-term rentals for residents. This bylaw would limit short-term rentals to owner occupied buildings and it also provides ways to correct violations. Portions of the bylaw will be general and other parts will be zoning. Shelburne currently has 41 short-term rentals registered with the state and the majority are non-owner occupied. Questions from the public included: what are the definitions of “unit” and “large event.” Another question concerned a building where the owner ran a business in part of the building and rented out other areas. Is that considered owner occupied?

 **ADU Bylaw** – Shelburne already has an ADU bylaw, which needs to be adjusted to conform with a new state law regarding ADUs. Town Counsel has reviewed the proposed changes and made some suggestions. The state law is still in flux so more changes to this bylaw may come in the future. John Taylor questioned the wisdom of allowing ADUs on lots that already have multi-family dwellings. The state is encouraging having two families living on one lot, Shelburne’s bylaws already allow that.

 **Battery Energy Storage Systems Bylaw** – Some area towns have had this type of bylaw rejected by the AG’s office. This bylaw is based on one that has been approved by the AG’s office. It is also modeled closely along the lines of the existing telecommunications and large-scale solar bylaws. Battery storage facilities cannot be rejected by towns, but they can be regulated. The purpose of this bylaw is to assure public safety and protect the environment. Jeff Boettner thinks Shelburne could be a site for such a facility and was happy to see this bylaw being created.

**NEW BUSINESS**

None.

**Committee and Regional Project Updates –** None.

**Two Town News** – Nothing.

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

**Public Comments –** None.

**Schedule Next Meeting** – The next meeting will be on February 4, at 6 p.m., at the Town Hall.

At 8:35 p.m. a motion to adjourn the meeting was made by Paul and seconded by Will. Roll call vote: Will – aye; Paul – aye; John – aye. Motion passed 3-0-0.

Respectfully submitted,

Faye Whitney

Administrative Assistant