

Shaftsbury Planning Commission

September 28, 2021

Call to order

The meeting came to order at 6:02 p.m. Present were Chris Williams (chair), Martha Cornwell, Naomi Miller, and, via telephone, Mike Foley. Also present was zoning administrator Shelly Stiles.

Minutes

Ms. Miller proposed changes to the September 14, 2021 minutes as follows (changes are shown in italics):

“Naomi led a discussion on revising the language of the open space bylaw (cluster subdivision) to make it mandatory instead of optional as determined by the DRB; to add forest block language recommended in the Town Plan; and to clarify and operationalize its language by referring to community resources such as potential agricultural use, change to or encroachment upon the natural appearance of certain historic or natural features, public access to recreational resources, and erosion or water contamination.”

Further, she said the statement in the minutes *“A motion by Martha to approve the proposed bylaw after review by the Town attorney with second by Naomi.”* is inaccurate and should instead read *“A motion by Martha to approve the proposed bylaw, to add it to the changes to be proposed at the October 12, 2021 hearing, and, at the same time, to send it to the Town Attorney was seconded by Naomi.”* After discussion, it was agreed to add *“Commissioners noted that it is too late to include the item in the October 12 hearing, which has already been warned. It must instead be taken up in November 2022.”*

Mr. Foley asked that the following words in the fourth paragraph be deleted: *but commissioners said they hadn't received it. Because of this,”*

Ms. Miller moved to accept the minutes as amended. Ms. Cornwell seconded the motion, which passed 4-0-0.

Open Space bylaw revision

Ms. Stiles will send the open space revision crafted and approved at the September 28 meeting to the Town attorney for review.

ZA approval of permit amendment

Mr. Foley said he'd shared his proposed language, adopted from the bylaws of the Town of Montpelier, with Tom Huncharek of the Development Review Board. Mr. Huncharek said he would like to adopt it in its entirety. Ms. Stiles said she was very comfortable with the language. Ms. Cornwell moved to approve the language as submitted. Mr. Foley seconded the motion, which passed 4-0-0. (The language is included in these minutes at their end.)

October 12 hearing preparation

Mr. Williams said his informal rule is *“talk less, listen more.”*

Ms. Stiles acknowledged that she should have brought the inconsistency regarding pool setbacks to the Commission for discussion and vote (rather than simply take it upon herself to add it to the proposed revisions). Ms. Cornwell moved to approve the deletion of 8.7.1 Ms. Miller seconded the motion, which passed 4-0-0.

Ms. Stiles will have paper copies of the proposed revisions available for an members of the public who might attend the hearing.

Other business

The commission agreed that it wanted to keep **hybrid meetings** as an option but would decide on a case by case basis. Ms. Stiles explained that Mr. Keirnan was working on resolving the technology issues related to Zooming. Ms. Stiles will explore adding a Zoom option to the October 12 hearing.

Mr. Foley said he is close to closing on **road signs on Route 7A** for Howard Park. He will have more information at the next meeting.

BCRC has asked the Town to participate in a **grant-funded initiative to revise bylaws** so as to encourage housing in Village Centers, downtowns, and neighborhoods. After discussion, Ms. Miller moved that the Planning Commission recommend applying for a so-called Great Neighborhoods grant. Mr. Foley seconded the motion, which passed 4-0-0. Mr. Williams signed the resolution on behalf of the Commission.

The meeting adjourned by acclamation at 7:20 p.m.

Notes by ZA Stiles

Open Space bylaw revision language.

Section XXXX. Amending a Zoning Permit or Site Plan

XXXX.A

Upon written request from the applicant, the Zoning Administrator may, prior to completion or occupancy, amend a zoning permit or approved site plan upon finding that the proposed change:

- (1) Is not a material change; and
- (2) Does not affect the type, character, or intensity of the approved development or use to the extent specified below:

- (a) Any proposed change shall not result in an increased requirement for parking or loading spaces.
- (b) Any proposed change in building footprint shall not exceed 5% or 100 square feet, whichever is less.
- (c) Any proposed substitution of planting materials shall not change the overall landscape design concept.

i A material change means a change in the planned use or development of land or a structure that may have affected the decision made or any conditions placed on the permit if it had been included in the plans as approved.

XXXX.B The Zoning Administrator may:

- (1) Require that the owners of properties adjoining the subject property be notified and have an opportunity to comment prior to acting on the amendment request.
- (2) Decline to amend an approved site plan and refer the request to the Development Review Board (see Section 4306).
- (3) Require the applicant to submit an application for a new zoning permit.

XXXX.C Where the Zoning Administrator amends a zoning permit or approved site plan, such approval will not change the expiration date of the permit.

XXXX.D Once development for a permit is complete, a new application is required for any amendments.