

# MEMO



To: Shelburne Planning Commission  
 From: PlaceSense  
 Date: 18 March 2024  
 Re: Article 1. General Provisions and Article 8. Supplemental Materials

This memo is intended to assist in your review of the first draft of Articles 1 and 8. We have attempted to provide a crosswalk between the adopted regulations and the proposed regulations where there is directly comparable language. The notes summarize the sections and pose questions for Planning Commission discussion.

DRAFT	ADOPTED	NOTES
Chapter 1000 Enactment	Article I Section 2000	These sections are all boilerplate legal language except for the purpose statement in Section 1003. Remember that the purpose statement is not in itself regulatory but lays out the public interests that are being furthered or protected by the regulations.
Chapter 1000		
1102 Statutory exemptions	Section 2010.8	This is a comprehensive list of development or land use activities that have been exempted from municipal regulation under state or federal law. These are not able to be changed.
1103 General exemptions	Section 2010.8	No zoning permit is required for the development or land use activities in this list. These are exemptions that are based solely on town policy. Exemptions in existing regulations generally carried forward. The list of exemptions has been expanded.
1104 Statutory limitations	Section 1920.4 & 1925-6 Section 2010.4 Section 2110.1 Section 1940.1	Paragraphs A-C are statutory with no to few options for modification. Paragraphs D-F are drafted within the framework established in statute, but on these topics statute is less prescriptive and there is some limited ability to adjust the standards.
Chapter 1200 Vested rights	n/a	These sections reflect standard zoning practice as understood within the canon of land use law. A lot of these elements are not detailed in statute, but the language provided reflects case law. The time periods in Section 1205 can be adjusted within a justifiable/reasonable range.
Chapter 1300 Nonconformi- ties	Section 1920	The basic framework reflects standard zoning practice. The time periods can be adjusted within a justifiable/ reasonable range. Town policy can guide the extent to which nonconformities can be allowed to expand or change.
Article 8	Article XXI	This article includes guidance on interpretation and definition of terms and will be the location for maps.