

A VIDEO RECORDING OF THE MEETING IN ITS ENTIRETY IS AVAILABLE THROUGH VERMONTCAM.ORG. THE WRITTEN MINUTES ARE A SYNOPSIS OF DISCUSSION AT THE MEETING. MOTIONS ARE AS STATED BY THE MOTION MAKER. MINUTES SUBJECT TO CORRECTION BY THE SHELBURNE DEVELOPMENT REVIEW BOARD. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE BOARD.

**TOWN OF SHELBURNE
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
January 20, 2016**

MEMBERS PRESENT: Mark Sammut (Chairman); Jeff Pauza, Jerry Storey, Jeff McBride, Ian McCray, Jeff Hodgson, Alex von Stange.
(Mary Kehoe and Ty Parker were absent.)
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator.
OTHERS PRESENT: Jeremy Matosky, John Dubrul, Fritz Horton.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (1/6/16)
4. Applications
 - Appeal, Notice of Violation, 3164 Shelburne Road, Champlain Housing Trust (A15-10)
 - Sketch Plan, Commercial PUD, 3328 & 3342 Shelburne Road, The Automaster/Dubrul Family (SUB12-07R3)
5. Continued Discussion of Revised Rules of Discovery/Evidence
6. Other Business/Correspondence
7. Adjournment and/or Deliberative Session

1. CALL TO ORDER and ANNOUNCEMENTS

Mark Sammut called the meeting to order at 7 PM.

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

January 6, 2016

MOTION by Jerry Storey, SECOND by Ian McCray, to approve the minutes of January 6, 2016 as written. VOTING: unanimous (6-0); motion carried.

4. APPLICATIONS

The function of the Development Review Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

A15-10: Appeal of Notice of Violation for change of use and new uses without a permit at 3164 Shelburne Road in the Mixed Use District and Storm Water Overlay District by Champlain Housing Trust, Inc.

MOTION by Jeff Pauza, SECOND by Jerry Storey, to continue the appeal hearing per the request of the appellant to February 17, 2016. VOTING: unanimous (6-0); motion carried.

SUB12-07R3: Sketch Plan for a Commercial PUD with a building and parking expansion, landscaping and site enhancements at 3328 & 3342 Shelburne Road in the Mixed Use District and Storm Water and Floodplain and Watercourse Overlay districts by The Automaster/Dubrul Family, LLC

Jeremy Matosky with Trudell Engineering and John Dubrul appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 1/20/16. Kate Mitchell explained the application is for an amendment to an existing PUD and includes landscaping, site enhancements, and a new building for the Honda dealership. A conditional use application will need to be filed for vehicles sales. Act 250 review is required as well.

The following submittals have been received:

- Cover letter, date stamped 12/29/15
- General Information Application, date stamped 12/29/15
- Sketch Plan Application, date stamped 12/29/15, and including:
 - Property Owner Authorization Form, date stamped 12/29/15
 - Parking Summary Table, dated stamped 12/29/15
 - Dimensional Requirements Table, date stamped 12/29/15
- Sketch Plan Set prepared by Trudell Consulting Engineers, titled “The Automaster 3328 Shelburne Road, Shelburne, Vermont”, date stamped 12/29/15, and including:
 - C2-01 Overall Site Plan
 - C2-02 Site Plan
 - C10-01 Sketch Plan
 - R-1 Site Rendering
 - Planned Unit Development DUBRUL FAMILY, LLC 3326 Shelburne Road, Shelburne, Vermont
- Comments from town departments

APPLICANT COMMENTS

Jeremy Matosky reviewed the proposal for the Honda dealership noting the following:

- The new building will include sales and service area. Honda has color scheme requirements and how the building will look. Corporate requires a separate dealership as a franchise rule.

- The new building will not exceed 30,000 s.f. and will use the existing entrance boulevard off Shelburne Road to a small roundabout by the building. The service entrance is off Champlain Drive.
- The gravel employee parking lot and mowed field is the location of the building. The gravel area will be paved. Parking will be behind the new building.
- Storm water ponds are already in place for the parking expansion and the new building. State permits will be amended as needed. Water connection will be on Champlain Drive. Sewer connection is anticipated at Champlain Drive force main or Bay Road force main. A pump station may be needed. More details will be provide at Preliminary Plan review.
- Other improvements will be made to the vehicle display area, pedestrian plaza, and landscaping.
- All signs will comply with Shelburne’s sign regulations.
- A lighting plan was submitted for the entire Automaster facility. All the lights are LED. Some of the lighting may have to be reconfigured for the rear parking lot for the new building and lighting on the front of the building.

Mark Sammut suggested getting comments from the Fire Chief on hydrants, building sprinkler system, and building access. Mr. Sammut asked if there will be a fence for the driveway to the private residence. The applicant noted signage has been added to inform people that the driveway goes to a private residence. Mark Sammut asked if the employee load will change. John Dubrul said there is no change in the number of employees, just more space for the present and future growth of the dealership as mandated by the manufacturer.

Jeff Pauza asked if there will be a body shop in the Honda service building. John Dubrul said there will not be body work done, only vehicle service in the service shop.

Jerry Storey asked when the project will begin. John Dubrul said the building must be done by 2018 per the manufacturer’s requirements.

Ian McCray asked if there will be additional franchises on the site. John Dubrul said this is not likely. Mr. McCray asked if there will be a new display area. John Dubrul said the display will remain at the front of the site. Parking, service, and prep area are behind the buildings.

Jeff Hodgson asked about a sidewalk to Shelburne Road or Champlain Drive. Jeremy Matosky said a sidewalk is not included on the plan because there is not much walk-in traffic to the dealership. There is a sidewalk on Route 7 and a pedestrian corridor connection between the buildings on the site that can be enhanced.

PUBLIC COMMENT

Fritz Horton, Bay Road Association, mentioned past conversation with John Dubrul about auto transports loading/unloading on Champlain Drive and noise from the PA system. John Dubrul said the ruling that loading/unloading on Champlain Drive be minimized if not eliminated will be enforced and the dealership will try to minimize noise on the site. Jeremy Matosky added the Dubruls have told the truck drivers to load/unload in the Mini Cooper dealership off Champlain Drive. The drivers will be reminded of this. There are signs posted and a written handout will be given to the drivers. The site plan for the new Honda building will accommodate one truck in the space between the two buildings so there are two options for unloading.

There were no further comments.

DELIBERATION/DECISION

Sketch Plan, PUD-C, 3328 & 3342 Shelburne Road, The Automaster/Dubrul Family (SUB12-07R3)

MOTION by Mark Sammut, SECOND by Jeff Pauza, to classify SUB12-07R3, Sketch Plan application for a PUD-C, as a Major Subdivision. VOTING: unanimous (6-0); motion carried.

MOTION by Jerry Storey, SECOND by Jeff Pauza, to finalize the record with inclusion of comments from town departments for Sketch Plan application, SUB12-07R3, for a PUD-C with a building and parking expansion, landscaping and site enhancements. VOTING: unanimous (6-0); motion carried.

MOTION by Jeff Pauza, SECOND by Jeff Hodgson, that the applicant for SUB12-07R3 be authorized to prepare a Preliminary Plan application with the following recommendations:

- 1. Prior to Final Plan approval the applicant shall provide a written statement of the goals and objectives of the landscaping and a discussion of how the landscape plan addresses the goals and objectives.**
- 2. The applicant shall provide information pertaining to the appropriate allocation, distribution, preservation and maintenance of open space.**
- 3. The applicant shall submit Site Plan and Conditional Use applications in conjunction with Preliminary Plan and Final Plan applications.**
- 4. The applicant shall submit documentation specifying the areas of the project and if any are within a flood hazard area.**

VOTING: unanimous (6-0); motion carried.

5. DISCUSSION OF REVISED RULES OF DISCOVERY/EVIDENCE

Following discussion the following edits were made:

Changes to rules:

- 7. Any part of the evidence may be received in written form so as to expedite the presentation of direct testimony of a witness provided that (a) the witness is available for direct testimony and examination outside or at the hearing at the DRB's discretion on this evidence, (b) the hearing has not been delayed, and (c) the interests of the parties will not be prejudiced substantially.
- 9. The DRB may organize the presentation of evidence as prescribed in the DRB Rules of Procedure currently in effect.
- 10. Only DRB members may examine witnesses.

Add new rules covering the following:

- The DRB can decide to receive an expert report. It is the burden of other parties to challenge the report and ask for the expert to be available at the hearing or outside the hearing for examination.
- An applicant or interested party can participate in the hearing electronically. If the DRB requested the participation then the burden is on the town to facilitate the off-site participation (i.e. provide the technology for communication) otherwise the burden is on the applicant to facilitate the participation.

It was noted the Rules of Discovery do state that all proceedings are subject to Shelburne DRB Rules of Procedure.

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Jeff Pauza, SECOND by Jerry Story, to adjourn the meeting.

VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 8:30 PM.

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