

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
March 2, 2016**

MEMBERS PRESENT: Mark Sammut (Chairman); Jeff Pauza, Jeff McBride, Mary Kehoe, Jeff Hodgson, Ian McCray, Alex von Stange. (Ty Parker was absent.)
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator.
OTHERS PRESENT: Chris Pingert, Dennis Webster, Dave Marshall, Elizabeth Smardon.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (2/17/16)
4. Applications
 - Boundary Line Adjustment, 436 & 434 Hillside Terrace, Webster/Cantor (BLA16-01)
 - Sketch Plan, Subdivision, Two Lots, 1056 Falls Road, Elizabeth Smardon (SUB16-01)
 - Amendment, PUD Final Plan & Site Plan, 6221 Shelburne Road, Shelburne Green, LLC (SUB13-02R2)\SP16-01)
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. There were no announcements.

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

February 17, 2016

MOTION by Mary Kehoe, **SECOND** by Jeff Hodgson, **to approve the minutes of February 17, 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.

BLA10-01: Boundary Line Adjustment of 3,641 s.f. from 434 Hillside Terrace to 436 Hillside Terrace in the Village Residential District and the Storm Water Overlay District by Dennis Webster and Luanne Cantor

Dennis Webster appeared on behalf of the application.

Submittals:

- Boundary Plat, dated 12/9/15.
- Town of Shelburne Staff Report, dated 3/2/16

STAFF REPORT

The DRB received a written staff report on the application, dated 3/2/16. Kate Mitchell reported no new lots are being created with the boundary line adjustment, the existing lots are not being made more nonconforming and the total acreage transferred does not exceed 12,500 s.f. A portion of Mr. Webster's lot will continue to cross Ms. Cantor's property for the purpose of maintaining the required lot frontage for lot 436. The purpose of the Boundary Line Adjustment is to formally delineate the lots in a way that shows how the lots have been and continue to be used and maintained.

APPLICANT COMMENTS

The applicant had no further comments to the staff report.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 436 & 434 Hillside Terrace, Webster/Cantor (BLA16-01)

MOTION by Mark Sammut, SECOND by Ian McCray, to approve the boundary line adjustment between 436 and 434 Hillside Terrace requested by Dennis Webster and Luanne Cantor. VOTING: unanimous (6-0); motion carried.

SUB16-01: Sketch Plan for a two lot residential subdivision at 1056 Falls Road in the Shelburne Falls Mixed Use District and the Village Design Review Overlay District by Elizabeth Smardon

Elizabeth Smardon and Chris Pingert appeared on behalf of the application.

Submittals:

- Application for Sketch Plan Review received 2/8/16
- General Application received 2/8/16
- Site Plan prepared by Civil Engineering Associates, Inc., titled "Proposed Two Lot Subdivision 1056 Falls Road, Shelburne, VT", dated February 10, 2016 and date stamped February 10, 2016
- Town of Shelburne Staff Report, dated 3/2/16

STAFF REPORT

The DRB received a written staff report on the application, dated 3/2/16. Kate Mitchell explained the proposal is to subdivide an existing 36,000 s.f. lot with a single family house into two lots of 12,817 s.f. (Lot 1) and 13,667 s.f. (Lot 2). Lot 2 does not have frontage so approval is needed for a 20' right-of-way. The lot slopes toward the LaPlatte River. There may be unsuitable fill material that needs to be remedied. There will be no structures in the Floodplain Overlay. Design Review approval is needed for the application.

APPLICANT COMMENTS

Attorney Chris Pingert, representing the applicant, explained the existing fill may be tree stumps and such. The exact material will be determined before Final Plan review. The property is flat and then terraces to the river. The property owner wishes to subdivide the lot and sell the parcel to a developer. The Smardons are selling their primary residence as well. The driveway on the west side will be extended to the new lot and it is anticipated the utilities will be in the easement on the west side of the property. The engineers will determine the exact location.

PUBLIC COMMENT

There were no comments from the public.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 1056 Falls Road, Smardon (SUB16-01)

MOTION by Jeff Pauza, SECOND by Mary Kehoe, to classify the two lot subdivision at 1056 Falls Road by Elizabeth Smardon (SUB16-01) as a Minor Subdivision. VOTING: unanimous (6-0); motion carried.

MOTION by Mark Sammut, SECOND by Ian McCray, to authorize the applicant of SUB16-01 (two lot subdivision at 1056 Falls Road) to prepare a Final Plan application with the following recommendation:

- 1. Obtain written comments from department heads as required in Section 610(13) of the Subdivision Regulations.**

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

SUB13-02R2\SP16-01: Amendment to PUD Final Plan and Site Plan for minor site modifications and modification of operating hours for the café to 8 PM at 6221 Shelburne Road (aka Graham Way) in the Commerce & Industry South District and Storm Water Overlay District by Shelburne Green, LLC

Dave Marshall appeared on behalf of the application.

Submittals:

- Site Plan prepared by Civil Engineering Associates, Inc., titled “Shelburne Green South, 6221 Shelburne Road, Shelburne Vermont”, dated December 2013
- Town of Shelburne Staff Report, dated 3/2/16

STAFF REPORT

The DRB received a written staff report on the application, dated 3/2/16.

APPLICANT COMMENTS

Dave Marshall reviewed the site of the PUD on 28 acres behind Folino’s and Fiddlehead Brewery off Shelburne Road. Tenants on the site are food manufacturers and office workers. Amendments to the plan include increasing the diameter of the water main from 8” to 10” to comply with pressure distribution requirements set forth by the State Water Supply Division, the relocation of hydrant #2 in the northeast quadrant of the building envelope to reduce potential damage and place it in accordance with guidance set forth by Chief Jerry Ouimet, eliminating the island in the northeast quadrant of the parking area and lastly, change the WW pump station from simplex to duplex pumping configuration.

The applicant is withdrawing the request to extend the hours of operation of the café at this time due to the inability to meet the requirements of the “in re Stowe Club Highlands test” which applies to amending final plan written conditions of approval.

Jeff McBride asked the timeframe for buildout of the remainder of the development.

Dave Marshall said the development is tenant driven and buildout will be based on each tenant’s needs. There is no housing proposed, only commercial uses that are on the list of conditional uses for the site.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Amendments, PUD Final Plan & Site Plan, 6221 Shelburne Road, Shelburne Green, LLC (SUB13-02R2\SP16-01)

MOTION by Mary Kehoe, SECOND by Jeff Hodgson, to close the hearing on the Final Plan Amendment for SUB13-02R2 which is a modification of SUB13-02 and Site Plan SP16-01, and to direct staff to prepare a decision to indicate approval of the site plan amendments (SP16-01) to include the following:

- **Increasing the diameter of the water main from 8” to 10” to comply with pressure distribution requirements set forth by the state Water Supply Division.**

- **Relocation of hydrant #2 in the northeast quadrant of the building envelope to reduce potential damage and place it in accordance with guidance set forth by Fire Chief Jerry Ouimet.**
- **Eliminate the island in the northeast quadrant of the parking area.**
- **Change the waste water pump station from simplex to duplex pumping configuration.**

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

5. DISCUSSION OF REVISED RULES OF DISCOVERY/EVIDENCE

Mary Kehoe reported according to Attorney Safar “on the record” must comply with MAPA rules. The DRB can tell an applicant it is sufficient to have the preparer of documents for their application available by telephone if called upon to testify, but if the witness is not available to testify then the evidence cannot be accepted. Attorney Safar did not know what is meant by “the hearing has been expedited”.

Minor grammatical corrections were made to the document (i.e. in Rule #7 change “Boards discretion” to “DRB’s discretion”). The document was approved and signed by the DRB. Staff will ask Attorney Safar to add language to the application regarding testimony from expert witnesses and to attend a future DRB meeting to further discuss Rule #7.

6. OTHER BUSINESS/CORRESPONDENCE

Jerry Storey Resignation from DRB & Election to Selectboard

Mark Sammut announced with regret the resignation of Jerry Storey from the DRB whose input on the DRB will be greatly missed. Congratulations were extended for MR. Storey’s election to the Selectboard.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, SECOND by Mary Kehoe, to adjourn the meeting.

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

The meeting was adjourned at 7:45 PM.

RScty: MERiordan