

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 16, 2016**

**MEMBERS PRESENT:** Mark Sammut (Chairman); Jeff McBride, Mary Kehoe, Ian McCray, Alex von Stange. (Jeff Pauza, Jeff Hodgson, and Ty Parker were absent.)

**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator.

**OTHERS PRESENT:** Gail Albert, Kate Fournier, Ken Albert, Andy Rowe, Chris Snyder, Andrew Everett, Tim Williams, Dario Guizler, Florian Foerg, Tarn Foerg, Holly Cluse, Elizabeth Campbell, Nancy Smith, Donald Schultz, Hope Schultz Kevin Kenlan, Bill Supple, Lee Hollister, Buell Hollister, Rebecca Newton, Blaine Newton, Elna Samuelson, Faith Rushford, Barbara Gladec, Hilda White, Joanne Jarrett, Mary Jarrett, Bonnie Caldwell, Richard Cady, Janet Brzoska, James Brzoska, Linda Schiavone, George Schiavone, Beverly Fay, Diane Fournier, Emile Fournier, Tim Burke, Virginia Loren, Mike Ashew.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (3/2/16)
4. Applications
  - Appeal, Notice of Violation, 3164 Shelburne Road, Champlain Housing Trust, Inc. (A15-10)
  - Administrative Amendment, Site Plan, General Greene Road, Brauer/Wygmans (SUB15-02R1)
  - Sketch Plan, PUD-R, 53 lots, 0 Spear Street, Snyder Custom Homes, LLC (SUB16-02)
5. Continued Discussion of Revised Rules of Discovery/Evidence
6. Other Business/Correspondence
7. Adjournment and/or Deliberative Session

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Mark Sammut called the meeting to order at 7:18 PM. There were no announcements.

**2. PUBLIC COMMENT**

None.

**3. APPROVAL OF MINUTES**

*March 2, 2016*

**MOTION by Mary Kehoe, SECOND by Jeff McBride, to approve the minutes of March 2, 2016 as written. VOTING: unanimous (4-0); 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 addition of new uses at 3164 Shelburne Road by Champlain Housing Trust, Inc.**

**MOTION by Ian McCray, SECOND by Jeff McBride, to continue the public hearing relating to the appeal by Champlain Housing Trust, Inc. of the Notice of Violation issued by the Shelburne Zoning Administrator to June 15, 2016 per the request of the applicant and town. VOTING: unanimous (4-0); motion carried.**

**SUB15-02R1: Administrative Amendment to the site plan to relocate the driveway for Lot #2 at 25 & 27 General Greene Road by Wendy Bauer and Maura Wygmans**

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to remove the application for an administrative amendment, SUB15-02R1, for Lot #2 at 25 & 27 General Greene Road by Wendy Bauer/Maura Wygmans from the agenda since action has already been taken on the matter. VOTING: unanimous (4-0); motion carried.**

**SUB16-02: Sketch Plan for a 53 lot (100 housing units) Planned Unit Development-Residential (PUD-R) at 0 Spear Street (west side) in the Residential District, Storm Water Overlay District, Floodplain and Watercourse Overlay District by Snyder Custom Homes, LLC**

Andy Rowe with Lamoureux & Dickinson and Chris Snyder with Snyder Custom Homes appeared on behalf of the application.

Submittals:

- Cover letter prepared by Lamoureux & Dickinson Civil Engineering, dated and received 2/23/16
- General Application Form, date stamped 2/23/16
- Sketch Plan Review Application, date stamped 2/23/16
- Property Owner Authorization Letter
- Sketch Plan prepared by BSB Design, titled “Conceptual Site Plan Kwiniaska Shelburne VT”, dated 2/19/16 and date stamped 2/23/16
- Existing Conditions Site Plan prepared by Civil Engineering Associates, titled “Proposed Caldwell House Subdivision Spear St. & Webster Rd., Shelburne, VT”, dated July 2015 and date stamped 2/24/16
- Town of Shelburne Staff Report, dated 3/16/16

#### STAFF REPORT

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

### APPLICANT COMMENTS

Chris Snyder with Snyder Custom Homes reviewed the proposal for a residential neighborhood on the west side of the existing Kwiniaska Golf Course and noted the following:

- The overall parcel of land is currently a golf course with a significant amount of open land. Snyder Custom Homes hired a nationally recognized architectural firm to design the proposed residential neighborhood with housing focused on holes #1 through #6 on the western portion of the golf course.
- The sketch plan for the development has been submitted to the town. Meetings are scheduled with the appropriate town departments. Meetings have been held with abutting property owners to try to address any concerns with the proposal.
- The area is in Growth Area 2 as identified in the town plan and is served by town water and sewer service. The parcel size (53 acres) allowed for greater density than what is proposed. The density was decreased to allow for a more creative layout (76 units will abut Shelburne Heights, 37 units will abut Boulder Hill, and nine units will abut Lilly Lane). The single family houses will have three to four bedrooms and range in size from 1800 s.f. to 2400 s.f. and be located in the northern part of the parcel. Townhouses in the development will range in size from 1400 s.f. to 2000 s.f. Carriage homes with two to three bedrooms will range in size from 1400 s.f. to 2000 s.f. The carriage homes will be adjacent to the single family house on the corner of Webster Road and Spear Street.
- There is over 19 acres of open space on the overall property. There will be a 50' buffer on the north side of the development that runs for 140', from the existing property line to the rear property line of the proposed single family houses. There is an elevation difference on the west boundary. Landscaping will be planted throughout the area.
- The open space will be owned and maintained by the homeowners association. There will be a rec path through the neighborhood with several connection points to Spear Street and Webster Road.
- There will be two storm water detention areas. The storm water facilities will comply with town and state storm water rules.
- The development will be phased with construction of the center road first then moving north and south. Permitting will take up to two years and construction will take up to four years to complete.

Andy Rowe reviewed the storm water management for the site, noting there is an existing storm water pond on the 5<sup>th</sup> hole of the golf course and drainage into the wetlands behind Boulder Hill and to the west. The existing pond is not good at retaining water which ends up draining into the gully. The existing pond will be enlarged or a series of ponds will be

built to meet state and local requirements for one, 10, 25, and 100 year storms. A new pond will be constructed on the northerly portion of the site as well.

Mary Kehoe asked about tree removal. Chris Snyder showed an overlay of the development on the existing trees on the property to show the area where trees will be removed.

Ian McCray expressed concern about traffic from the addition of houses and people exiting onto an already busy Spear Street. Chris Snyder said a traffic study will be done with the Preliminary Plan application for the development. With three different types of homes the dynamics change. The carriage homes are one story with potential to have a finished basement and typically are a “downsizer” for one or two people. The townhouses have two to three bedrooms and the owners are not necessarily going out in the early morning commute. The single family houses are the least number of homes in the development.

Jeff McBride asked about the development sequence. Chris Snyder said the townhouses and road construction to the north and south will be done first with potential to do some carriage homes and some single family houses. Mr. McBride asked about the mix of homes done per year. Mr. Snyder said the type of unit built will be based on sales. Ian McCray asked if the land will be cleared as each lot is developed or all at once. Mr. Snyder said the road infrastructure will be done first. Andy Rowe added there will also be build-to-suit with a limited number of spec homes. Generally there is a buyer for each house that is built.

Alex von Stange asked if there will be four years of continuous construction or work for a year and sell the houses then continue work and sell what is built. Chris Snyder said the construction will be continuous for four years. Alex von Stange asked about the potential number of school children from the development. Mr. Snyder said anecdotally based on house type single family homes add one to two children, carriage homes add none or one child, and townhouse add none or one child.

Mark Sammut asked how the topography of the site will be handled. Chris Snyder said different housing types are located on different levels of the land. The development will work with the grade changes. A slope analysis has been done.

#### PUBLIC COMMENT

James and Janet Brzoska, Spear Street, expressed concern about the following:

- Impact on the town by a development of this size. Water pressure to existing houses in the area is low and with an additional 50 homes and a commercial

- building there is question of whether there will be enough water pressure to fight a fire.
- Impact of additional traffic on Spear Street which is already a very busy road and where the town is limiting curb cuts yet the curb cut for the development is on Spear Street.
  - Impact of construction traffic on residents (noise, dust, deterioration of the street).
  - Per the 2014 town plan the area is zoned residential (Growth Area 2). Growth Area 2 requires connecting streets and growth lower than in the village residential areas. The proposal fails to meet two requirements of the town plan.
  - The DRB is urged to limit the number of dwellings to be more in line with what is in the neighborhood now and ask the applicant to do a proposal with 40 or fewer single family houses.

Tim Burke, Pierson Drive, spoke of the lack of clustering and compaction of the development with 102 units on a wide open stretch of land and little topography for screening which does not fit in the existing character of the area with single family houses on large lots facing Spear Street and with open space and wildlife. Mr. Burke also spoke about the mature trees that will be cut down for the development and the lack of open space for public use because the open space is designated behind the proposed houses from Hole #1 to the brick house on the corner of Webster Road/Spear Street. Mr. Burke stated there will be impervious area added with roofs and roads with the sprawling residential development.

Kate Fournier, Collamer Court, echoed prior comments about the need to scale back the size of the development and keep structures in already disturbed area to preserve wildlife tracts. Ms. Fournier noted there will be nearly eight acres of trees removed for the development. There is Clarendon Springs bedrock along with mixed hardwoods and a host of rare and sensitive species on the site. There is significant slope up to 25% on proposed lots 10, 11, 12. Shelburne Heights area has 76 homes with a conservative estimate of .9 acres per house (or one house per acre) which is different than two houses per acre as proposed.

Ken Albert, Pierson Drive, said having the golf course for the past 40 years has been a privilege. Mr. Albert suggested looking at what is buildable and what is not buildable in light of existing ponds, wetlands, terrain on the western side, and degree of slope which may bring the number of houses down and be more consistent with the area. The proposed density is greater than any place in Shelburne. The town plan talks about adverse impact on scenic and natural features and the zoning regulations speak to adequacy of landscaping, screening, and setbacks in the spirit of maximizing

compatibility with adjacent properties so it may be necessary to revisit the proposal, especially the build-out.

Toni Supple, 239 Pierson Drive, spoke about the 50' ledge along the edge of the property and the waterfall of runoff with storm events. Ms. Supple expressed concern for the additional impervious surface from the development due to the hydric soils on the golf course. Clay, hydric soils, ledge, mature trees all retain water. Ms. Supple also expressed concern about blasting, noting the blasting for the sewer line was very disruptive to drainage and now a sump pump is needed in the basement of the house. Regarding the number of units to be built, the 2014 town plan says new housing should not exceed an average of 45 units per year (110 persons per year). There has been an average of 54.5 units per year over the last six years or 61 units per year over the last five years. If the numbers are exceeded there are ramifications on the schools and town services.

Dario Guizler, 65 Collamer Court, echoed the concern about traffic with the addition of 200 vehicles each day to Spear Street. The impact of blasting on existing homes creating noise, dust, shaking, and changing runoff flow is also a concern. Mr. Guizler pointed out the existing homes in the area each are unique, not all looking similar like the houses in the proposed development.

Florian Foerg, Morse Drive, stated the development seems out of proportion to Shelburne and what is thought of as Vermont. Shelburne village is a bottleneck of traffic now. There will be additional traffic into the corridor from the rail transfer station as well as the proposed development. Scaling down the development seems like a good idea on multiple levels.

Mike Ashew, resident, said the proposed development is too dense (two times as dense) and out of character for the Spear Street corridor. There does not seem to be public open space with the development.

Gail Albert, Shelburne Heights, echoed comments already stated about the development and noted the Shelburne Natural Resources Committee submitted comments to the developer. Ms. Albert acknowledged the area is zoned for development, but the concern is for storm water, slopes, wildlife habitat. The developer is urged to redesign the homes closer to Shelburne Heights and consolidate green space and buildings consistent with the community. Monroe Brook is a state impaired waterway and flow from the property goes into that watershed. There should be more green infrastructure and planting to slow and purify the water.

Faith Rushford, Shelburne Heights, expressed concern from the town perspective and the homeowner perspective. Ms. Rushford re-emphasized the severity of the water issue. After blasting for the sewer there are now water ways that run down the streets even without a storm. People have sump pumps and have installed drainage systems around their houses to deal with the existing water problems. The proposed development could create more water problems.

Bill Supple, 239 Pierson Drive, stated Shelburne Heights is an older neighborhood and the residents paid for the sewer service themselves so any hook up between Shelburne Heights and the proposed development should properly compensate Shelburne Heights residents.

Virginia Loren, Fox Run Road, stated her neighborhood is also concerned about the proposed development for the same reasons already expressed. There are water problems as a result of blasting for Boulder Hill.

There were further comments on preserving the rocky outcroppings, the architecture in the neighborhood, amount of impervious surface and storm water flow. The DRB was urged to do a site visit and view the entire area. Submittals to the DRB included a letter from Bill & Toni Supple, 239 Pierson Drive, and maps of wildlife blocks and slopes on the parcel from Kate Fournier.

There were no further comments.

#### DELIBERATION/DECISION

Sketch Plan, PUD-R, 53 lots, 0 Spear Street, Snyder Custom Homes (SUB16-02)

**MOTION by Mark Sammut, Jeff McBride, to classify the Sketch Plan Application, SUB16-02, as a Major Subdivision, and to schedule a site visit on April 2, 2016 at 2 PM. VOTING: unanimous (4-0); motion carried.**

Mark Sammut noted the site visit is open to the public. The applicant is asked to put stakes in the ground for visual cues of the development, setbacks, property lines, and flagging in the trees.

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to continue the hearing for SUB16-02 until April 20, 2016. VOTING: unanimous (4-0); motion carried.**

#### 5. DISCUSSION OF REVISED RULES OF DISCOVERY/EVIDENCE

Mary Kehoe stated per the advice of the Town Attorney to be consistent with MAPA the language in Rule 7 is from MAPA (24VSA1206). There was discussion of “expert” hired

to give testimony on an application versus a member of the public with expertise speaking on the subject matter. There was agreement the DRB has discretion to ask an expert to present credentials.

**6. OTHER BUSINESS/CORRESPONDENCE**

None.

**7. ADJOURNMENT and/or DELIBERATIVE SESSION**

**MOTION by Ian McCray, SECOND by Jeff McBride, to adjourn the meeting.**

**VOTING: unanimous (4-0); motion carried.**

The meeting was adjourned at 8:50 PM.

*RScty: MERiordan*