

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  
April 20, 2016**

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

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

**OTHERS PRESENT:** Andy Rowe, Kim Hussels, Chris Snyder, Hilda White, Barbara Glade, Georgia Jeffers, Joanne Jarrett, Mary Jarrett, Bonnie Caldwell, Brian Precourt, Diane Fournier, Emile Fournier, Dario Guizler, Kate Fournier, J.T. Burke, Gail Albert, Ken Albert, Sid Miller, Lee Hollister, Mike Ashooh, Toni Supple.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (4/2/16 & 4/6/16)
4. Applications
  - Conditional Use, Renovations, 160 Maple Leaf Lane, Kim Hussels (CU05-30R2)
  - Design Review\Final Plan, Signage and Re-Subdivision and Building Addition, Mixed Use PUD, Shelburne Shopping Park, Precourt Investment Co. (DR16-01\SUB15-11)
  - Sketch Plan for a 53 lot PUD-Residential development (100 housing units) at 0 Spear Street by The Snyder Custom Homes, LLC (SUB16-02)
5. Other Business/Correspondence
6. Adjournment and/or Deliberative Session

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Mark Sammut called the meeting to order at 7 PM.

**2. PUBLIC COMMENT**

None.

**3. APPROVAL OF MINUTES**

*April 2, 2016*

**MOTION** by Mary Kehoe, **SECOND** by Jeff McBride, to approve the minutes of 4/2/16 as presented. **VOTING: unanimous (4-0)**[Jeff Hodgson not present for vote]; **motion carried.**

*April 6, 2016*

**MOTION by Mary Kehoe, SECOND by Jeff McBride, to approve the minutes of 4/6/16 as presented. VOTING: unanimous (4-0)[Jeff Hodgson not present for vote]; 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.

**CU05-30R2: Conditional Use for modification to a noncomplying structure to renovate an existing 3-season porch to year-round living space and reconfigure an existing deck at 160 Maple Leaf Lane in the Mixed Use District and the Stormwater Overlay District by Kim Hussels**

Kim Hussels appeared on behalf of the application.

#### Submittals:

- General Information Application received 3/25/16
- Conditional Use Review Application received 3/25/16
- Plan Set prepared by Automation Engineering, titled Kim Hussels Renovation, undated and received 3/25/16
- Town of Shelburne Staff Report, dated 4/20/16

#### STAFF REPORT

The DRB received a written staff report on the application, dated 4/20/16. Kate Mitchell corrected an error in the staff report on the square footage of the renovation (96 s.f.).

#### APPLICANT COMMENTS

Kim Hussels stated the existing 8' x 9' three season room will be changed to a 12' x 8' year round room with a full foundation. There will be no increase in lot coverage.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Conditional Use, Renovations, 160 Maple Leaf Lane, Hussels (CU05-30R2)

**MOTION by Mary Kehoe, SECOND by Jeff McBride, to finalize the record for CU05-30R2 for renovations at 160 Maple Leaf Lane by Kim Hussels. VOTING: unanimous (4-0)[Jeff Hodgson not present for vote]; motion carried.**

**MOTION by Mary Kehoe, SECOND by Jeff McBride, to close the hearing and direct staff to prepare a decision to indicate approval of CU05-30R2, Conditional**

Use application for renovation to a three season porch to year round living space and reconfiguration of an existing deck at 160 Maple Leaf Lane by Kim Hussels with the condition that a zoning permit shall be required prior to any improvements being made. VOTING: unanimous (4-0)[Jeff Hodgson not present for vote]; motion carried.

**DR16-01\SUB15-11: Design Review\Final Plan for new signage and re-subdivision into a one lot Mixed Use PUD and a 5,000 s.f. building addition in Shelburne Shopping Park in the Village Center Mixed Use District and Village Design Review, Village Core, and Stormwater Overlay districts by Brian Precourt**

Brian Precourt appeared on behalf of the application.

Submittals:

- Final Plan (Plat) Review Application, received March 23, 2016
- Department Head Response Letters
- Final Site Plan Set prepared by Donald J. Hamlin Consulting Engineers, Inc., titled “Precourt Investment Company, LLC Planned Unit Development – RDV Shelburne Shopping Park”, dated March 2016 and received March 23, 2016
- Final Plat prepared by Bradford L. Holden, dated January 5, 2016, revised March 21, 2016 and received March 23, 2016
- Proposed Drugstore Expansion Elevations, received March 23, 2016
- Project Review Sheet received April 5, 2016
- Individual Stormwater Permit Application, dated February 25, 2016 and received February 24, 2016
- Department Head Comments
- Town of Shelburne Staff Report, dated 4/20/16

STAFF REPORT

The DRB received a written staff report on the application, dated 4/20/16. Kate Mitchel said the applicant has fulfilled all the requirements. The applicant should address the comments from the Fire Department regarding 20’ wide road access around the southeast corner of the building and at the north end.

APPLICANT COMMENTS

Brian Precourt reported:

- Shelburne Historic Preservation & Design Review Committee has reviewed the sign package for Rite Aid.
- The mailboxes between Cucina and Aubuchon may be relocated to be more accessible. The mailboxes are for the houses/businesses on Falls Road as well.

- According to NFPA a 20' wide road is needed on three sides of a commercial building, but the town regulations indicate there is discretion and a 14' wide road may be allowed. Widening the road to 20' would put some of the road on town property. The Fire Dept. indicated hardpack can be used at the "pinch point" of the road around the corner of the building. Consensus is needed between the town regulations and the comments from the town department and the engineers on the width of the roadway.

#### PUBLIC COMMENT

Gail Albert, Natural Resources Committee, asked for explanation of the intrusion on town land which is conserved land. Mr. Precourt said the existing gravel drive around the corner of the building is approximately 5' on town property.

#### DELIBERATION/DECISION

Design Review\Final Plan, Signage and Re-Subdivision and Building Addition, Mixed Use PUD, Shelburne Shopping Park, Precourt Investment Co. (DR16-01\SUB15-11)

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to finalize the record for DR16-01\SUB15-11 for signage and re-subdivision and a building addition in Shelburne Shopping Park by Precourt Investment Co. VOTING: 4 ayes, one abstention (Jeff Hodgson); motion carried.**

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to close the hearing on DR16-01\SUB15-11 for signage and re-subdivision and a building addition in Shelburne Shopping Park by Precourt Investment Co. with the following conditions:**

1. The Mylar shall be recorded in the Shelburne Land Records within 180 days of the signed approval of the application.
2. A zoning permit shall be required prior to any improvements being made.
3. A Certificate of Occupancy shall be required.

**VOTING: 4 ayes, one abstention (Jeff Hodgson); motion carried.**

**SUB16-02: Sketch Plan for a 53 lot PUD-Residential development with 100 housing units at 0 Spear Street (west side) in the Residential District, the Stormwater Overlay District and the Floodplain and Watercourse Overlay District by The Snyder Custom Homes, LLC**

Chris Snyder and Andy Rowe appeared on behalf of the application.

#### Submittals:

- Owner Authorization Letter, received 2/22/16

- Project Cover Letter, received 2/22/16
- General Application Form, received 2/22/16
- Sketch Plan Review Form, received 2/22/16
- Sketch Plan Narrative, received 2/22/16
- Density Analysis, received 2/22/16
- Vermont DEC Project Review Sheet, received 2/23/16
- Conceptual Site Plan, received 2/22/16
- Conceptual Site Plan Open Space, received 2/22/16
- Existing Conditions Site Plan, received 2/22/16
- Kwiniaska PRD Abutter Map, received 2/22/16
- Typical Public Street Cross-Section, received 2/22/16
- Email from Bernie and Karen Caron, received 3/11/16
- Email from Craig Murry and Beth Tanzman, received 3/16/16
- Email from Lilly and Michael Tarricone, received 3/15/16
- Letter from CEA on Behalf of Highway Department, received 3/14/16
- Email from Jeff Hodgson, received 3/16/16
- Email from Fire Department, received 3/22/16
- Email from Kate Fournier with Map Attached, received 4/4/16
- Comments from SNRCC, received 3/24/16
- Comments from Alex von Stange, received 4/17/16
- Memo from Water Quality Superintendent, received 4/7/16
- Comments from Bike & Ped Paths Committee, received 4/19/16
- Letter from Pamela and Stewart Loeb, received 4/20/16
- Town of Shelburne Staff Memo, dated 4/15/16

#### STAFF REPORT

The DRB received a staff memo on the application, dated 4/15/16. Kate Mitchell noted the proposed density for the development is within the requirements of the zoning bylaws. The meandering path connects to existing sidewalk. The applicant has received comments from town department heads. The Fire Department is requesting fire flow based on NFPA requirements which is 1,000 gallons per minute one hour sustained (quite high). Further discussion is needed on whether NFPA or the town regulations prevail.

#### APPLICANT COMMENTS

Andy Rowe addressed comments in the Staff Report, noting more detail will be provided at Preliminary and Final Plan review on storm water management, protection of existing features and natural resources, erosion control, traffic, density, paths, fiscal analysis, water supply, landscaping, excavation and grading, streets, emergency access, water and

sewer design, lighting, building coverage, lot frontage, building height, setbacks, impact fees, compliance to subdivision regulations, and periphery buffer.

Mark Sammut asked about the following:

- Homeowners association maintaining private courts/roadways – Chris Snyder stated the homeowners association will own and maintain the roadway.
- Road width allowing for turning movements adequate for fire trucks – Andy Rowe said the Fire Department did not have concern with the private street, but did have concern with a 30' turn radius at the main street intersection.
- The northerly access will go through a well-developed group of trees which could serve as a buffer – Chris Snyder said work will be done on the northerly entrance to minimize impact on the existing tree line.

Jeff Hodgson asked if a tree survey will be done to identify any valuable mature hardwoods worthy of saving. Chris Snyder said a tree survey can be done.

Jeff McBride observed the topography on the west side of the northern section of the parcel flows well now, but may be impacted as the project proceeds especially in the northwest corner which is steep ledge. Jeff Hodgson added if the existing topography can be followed there is a good chance of saving the mature trees. Chris Snyder said the plan allows for grade changes. The middle of the property to the south will have the carriage homes. Lots 10, 11, 12, and 13 will have some blasting for foundations, but the houses will likely be at the existing grade with walkout basements. Full engineering of sewer or water has not yet been done which will drive the elevation for the houses. Andy Rowe noted all the houses on the west side of the north to south running street will have about a five foot grade change. Jeff McBride commented a grading study will be helpful in keeping the character of the landscape.

Mary Kehoe asked if any area will be dedicated through legal mechanisms to the town as real public space. Chris Snyder said this will be considered. Kate Mitchell noted the town wants to see open space preserved, but economically the land being offered may not be what the town wants.

#### PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, noted the following from comments submitted by Shelburne Natural Resources Committee on the proposal:

- The area is the MS4 watershed of Monroe Brook so drainage impact is critical to the brook and the existing neighborhoods.
- Removal of trees is a concern. Protection of trees during construction is a concern.

- Degradation of wildlife habitat and wildlife corridor is a concern. Houses should be kept out of the forest.
- Degradation of scenic viewsheds is a concern. Backs of houses facing Spear Street is not common in Shelburne.
- The town plan and zoning regulations support decreasing the land area of the development and clustering houses so there is more open space and more contiguous green space. A geologist, wildlife biologist, and forest ecologist should be consulted to review the proposal.
- Measures should be taken to protect rare and endangered species.
- Management of storm water should be beyond the 100 year storm requirements due to the soil conditions and to better protect the town and the development. Engineering assurance and accountability for adverse impacts should be provided.
- Tree cutting in the forested portion of the parcel should be prohibited. Mature trees should be protected and maintained.
- Ownership of the forest land should be conferred to the town.
- The neighborhood should be promoted as a ‘green community’ using environmentally sensitive and ecological land management.
- Community garden and recreation space should be provided.

Sid Miller, Spear Street, spoke of the bottleneck of traffic as a result of the Route 7 redevelopment and the potential for the railroad proposal to exacerbate the situation. Webster Road will be crowded with traffic from the proposed development. The developer should consider downsizing the proposal.

Tim Burke, Pierson Drive, stated the open space is not apparent in the proposal which mimics the South Burlington development known as “South Village” and is not in character with Shelburne. The development is too big for the site. The town plan encourages pleasant and compact neighborhoods and the proposal is not compact or clustered running north to south and into the woods. The green belt is a wildlife corridor which will be cut off by developments. Storm water, drainage, and traffic are very real issues.

Toni Supple, Pierson Drive, urged the DRB to take the recommendation to hire a geologist and storm water specialist. Blasting will be devastating to the neighborhood. There are many tall mature maple trees on the surface of the bedrock that could be impacted by excessive blasting. The water retention benefit of the trees needs to be considered.

Kate Fournier, Collamer Circle, urged the DRB to consider the recommendation from Shelburne Natural Resources Committee. The town should inherit the forested space. The site plan should be reconfigured so no houses are in the forest which should be maintained in conversation in perpetuity because the land does connect to other town forest land and is an active wildlife corridor. Using the lot size on Collamer Circle (1.34 acres per house) the proposed development could have up to 44 homes. If the forested area is excluded then there could be 22 homes. The DRB is requested to adjust the size of the proposed development.

Ken Albert, Pierson Drive, referred to the requirements of the town plan and the character of the neighborhood and the town overall, and questioned if the proposal is what the town wants as a legacy. The density is inconsistent with anything in Shelburne. The backs of houses lined along Spear Street is inconsistent with the character of the area. The DRB is urged to reassess the density and redesign to be more in character with the surrounding area and the town in general.

Mary Kehoe asked if the residents have reached out to the developer with their concerns. The DRB is bound by the regulations in making a decision on the proposal. Chris Snyder noted the direct abutting property owners were contacted to review the plan and some modifications to the plan were made. There are houses that back up to Spear Street at about the same distance being proposed. Nate Farm Road is one example. Some architectural and landscaping concerns can be addressed to make an aesthetically decent view from Spear Street. The road in the proposed neighborhood meanders to enhance and improve the neighborhood design.

#### DELIBERATION/DECISION

Sketch Plan, 53 Lot PUD-Residential Development, 100 housing Units, 0 Spear Street, The Snyder Custom Homes, LLC (SUB16-02)

The DRB will deliberate the application. Discussion will include:

- Density (with consideration of Collamer Circle and Rivercrest developments)
- Encroachment on the forest and the wildlife corridor
- Opportunity to engineer storm water management to eliminate drainage issues
- Protection of streams, waterways, and buffers

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to close the hearing the Sketch Plan for a PUD-Residential development at 0 Spear Street by The Snyder Custom Homes, LLC (SUB16-02). VOTING: unanimous (5-0); motion carried.**

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to finalize the record for the Sketch Plan for a 53 lot PUD-Residential development (SUB16-02) at 0 Spear**

**Street (west side) in the Residential District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by The Snyder Custom Homes, LLC.  
VOTING: unanimous (5-0); motion carried.**

The DRB will deliberate the application at a future time.

**5. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to adjourn the meeting.  
VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 8:36 PM.

*RScty: MERiordan*