

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
May 18, 2016**

MEMBERS PRESENT: Mary Kehoe (Chairwoman); Mark Sammut, Jeff Pauza, Jeff Hodgson, Alex von Stange, Judy Christensen, Ellery Harkness. (Ian McCray and Ty Parker were absent.)
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator.
OTHERS PRESENT: Tom Koerner, John Giebink, Kevin O'Brien.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (5/4/16)
4. Applications
 - Design Review, Parking Area, 581 Falls Road, Russell (DR16-05)
 - Boundary Line Adjustment, 7094 & 7096 Dorset Street, Koerner (BLA16-02)
 - Amendment, Conditional Use, Structure in 100' Setback of 102' Elevation, 252 Windmill Bay Road, Giebink (CU15-01R1)
5. Other Business/Correspondence
6. Adjournment and/or Deliberative Session

1. CALL TO ORDER and ANNOUNCEMENTS

Chairwoman Mary Kehoe called the meeting to order at 7 PM and announced according to the DRB Rules of Procedure there is no need to have a seconder on motions.

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

May 4, 2016

MOTION by Mark Sammut to approve the minutes of 5/4/16 as presented.

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

5. 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.

DR16-05: Design Review for the addition of a gravel parking area at 581 Falls Road by John & Lynn Russell

No one appeared on behalf of the application.

Submittals:

- Application
- Site Plan
- Town of Shelburne Staff Report, dated 5/18/16

STAFF REPORT

The DRB received a written staff report on the application, dated 5/18/16. Kate Mitchell noted the applicant reduced the area from six parking spaces to three parking spaces so the application could be approved administratively.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Parking Area, 581 Falls Road, Russell (DR16-05)

MOTION by Mary Kehoe to grant design review approval to Jack and Lynn Russell for the addition of three 9’x 18’ parking spaces at 581 Falls Road with the condition that the applicant plant two cedar trees or two lilac bushes at the west end of the parking area. VOTING: unanimous (6-0); motion carried.

BLA16-02: Boundary Line Adjustment to three properties that will result in reconfiguration of property lines but no change in lot sizes at 7094 & 7096 Dorset Street and the open space parcel in the Rural District by Tom Koerner

Tom Koerner appeared on behalf of the application.

Submittals:

- General Information Application, received 4/20/16
- Boundary Line Adjustment Application, received 4/20/16
- Owner Authorization Forms
- Driveway Relocation-Concept Site Plan prepared by Tom Koerner, dated March 2016 and revised April 2016
- Open Space Agreement, Page 096 060
- Town of Shelburne Staff Report, dated 5/18/16

STAFF REPORT

The DRB received a written staff report on the application, dated 5/18/16. Kate Mitchell noted the Open Space Agreement covers the open space parcel granted to the town. Any changes to alter the open space must be agreed to by the Town Manager.

APPLICANT COMMENTS

Tom Koerner explained the plan to screen the view of traffic on Dorset Street and from the driveway to the lot behind the house accessed via an easement by building a new driveway and abandoning the original driveway. The boundary line adjustments will not change the acreage of the parcels.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 7094 & 7096 Dorset Street and Open Space parcel, Koerner (BLA16-02)

MOTION by Mark Sammut to finalize the record for BLA16-02 (boundary line adjustment at 7094 & 7096 Dorset Street and the open space parcel) by Tom Koerner. VOTING: unanimous (6-0); motion carried.

MOTION by Mark Sammut to close the hearing on the Boundary Line Adjustment and approve application BLA16-02 by Tom Koerner for properties at 7094, 7096, and 0 Dorset Street (open space) as depicted on the plans prepared by Tom Koerner titled “7094 & 7096 Dorset Street, Shelburne, Vermont, Driveway Relocation-Concept Site Plan”, dated March 2016, revised April 2016, and received 4/20/16 with following conditions:

- 1. The Mylar shall be recorded within 180 days of the approval.**
- 2. The Mylar shall reference the amendment to the Open Space Agreement recorded June 14, 1985, Page 096 060, as well as the previously approved Mylar recorded in the Town Clerk’s Office as “Slide A”.**
- 3. A representative of the town controlling the open space (i.e. Shelburne Town Manager) shall sign off on the boundary line adjustment.**

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

CU15-01R1: Amendment to Conditional Use to reconfigure a structure located within the 100’ setback from the 102’ elevation at 252 Windmill Bay Road in the Residential District and the Lakeshore, Floodplain and Watercourse, and Stormwater Overlay districts by John Giebink

John Giebink appeared on behalf of the application.

Submittals:

- Elevations of the house at 252 Windmill Bay Road, received 5/2/16
- Site Plan revised 4/15/16, received 4/26/16

- Email from John Giebink, dated 4/18/16, re: John Giebink House Revisions 252 Windmill Bay Road
- Town of Shelburne Staff Report, dated 05/18/16

STAFF REPORT

The DRB received a written staff report on the application, dated 05/18/16. Kate Mitchell stated the structure is smaller and moved laterally. The height is decreased to 26’.

APPLICANT COMMENTS

John Giebink said approval was granted to tear down the existing house and use the existing foundation to build a garage with an accessory apartment above, but it was found the foundation was structurally unsound and had to be removed. The new foundation is smaller in size and located farther away from the lake and from the south property line. The height of the new design is less than the old design by about six inches to a foot.

Jeff Pauza said no increase in the square footage within the 100’ setback must be demonstrated. John Giebink pointed out the mudroom and entryway is not included in the setback. The rest of the structure is within the 100’ setback.

PUBLIC COMMENT

Kevin O’Brien, Windmill Bay, asked if the building can be moved from the original footprint and if the new building will have a higher line of sight than the converted garage. John Giebink said as shown on the elevations that were submitted the roofline of the house is below the roofline of the garage and the foundation is moved laterally 10’ and to the north away from the lake. The volume of the house is not changed.

There were no further comments.

DELIBERATION/DECISION

Amendment, Conditional Use, Reconfigure Structure in 100’ Setback of 102’ Elevation, 252 Windmill Bay Road, Giebink (CU15-01R1)

MOTION by Alex von Stange to close the hearing on CU15-01R1, Conditional Use application by John Giebink for 252 Windmill Bay, and direct staff to prepare a decision to indicate approval of CU15-01R1 as an amendment to approved application CU15-01 to include the reconstruction of a 39 s.f. smaller structure within the 100’ setback of the 102’ elevation in lieu of the previously approved plan for 252 Windmill Bay Road as depicted on the site plan prepared by Stuart J. Morrow, Consulting Land Surveyor, titled “Site Plan, Proposed Condition, Property of John C. Giebink, 252 Windmill Bay Road, Shelburne, Vermont”, dated March 2015, revised April 15, 2016, and with the following conditions:

1. A zoning permit shall be required prior to any improvements being made.
2. Any zoning permit application for site work shall include the submission of a Vermont Agency of Natural Resources Project Review Sheet along with documentation that the project is either exempt or in compliance with EPR Chapter 22.
3. A Certificate of Occupancy shall be required.
4. Clearing of any vegetation within the 100' setback of the 102' elevation is not part of the approval and shall require a Vegetation Cutting Permit.

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

5. OTHER BUSINESS/CORRESPONDENCE

None.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mary Kehoe to adjourn the meeting and go into closed deliberative session. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 7:30 PM.

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