

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
June 15, 2016**

MEMBERS PRESENT: Mary Kehoe (Chairwoman); Mark Sammut, Jeff Pauza, Jeff Hodgson, Ian McCray, Alex von Stange, Judy Christensen. (Ty Parker and Ellery Harkness were absent.)
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator.
OTHERS PRESENT: Sign-in Sheet on file.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (5/18/16)
4. Applications
 - Conditional Use\Site Plan Amendment, Outdoor Tables, 3762 Shelburne Road, LaVilla Bistro (CU16-04\SP93-7R4)
 - Sketch Plan, Subdivision, Two Lots, 133 & 300 Cheesefactory Lane, Linka Lee/Sawyer Lee Living Trust (SUB16-03)
 - Appeal, Notice of Violation, Harbor Place, 3164 Shelburne Road, Champlain Housing Trust (A15-10)
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.

MOTION by Mary Kehoe to amend the agenda to move the Public Comment section to follow the first two applications. VOTING: unanimous (7-0); motion carried.

2. PUBLIC COMMENT

Comments from the public were heard following conclusion of the first two applications on the agenda. Chairman Kehoe announced the comments would not be part of the testimony on the Champlain Housing Trust appeal, but will be part of the record for the DRB meeting.

COMMENTS

Laura Jean Hall, Maple Leaf Lane, noted she has volunteered at Harbor Place and solicited non-cash donations (coloring books and such), and hundreds of people have donated. Ms. Hall mentioned her undergraduate degree in business and hospitality, her MBA, and eight years of work in the hotel industry, and stated Harbor Place is a motel operated by a non-profit with national recognition and providing more services than Northstar Motel. Champlain Housing Trust is best suited to handle the property, does sex offender checks, and has security cameras. Ms. Hall said people without housing are more likely to be victims of crime than a criminal. The “guests” are people who do not

have stable housing. On any night there are 30 children and 30 to 60 adults. No correlation has been shown between shoplifting at Kinney Drugs in Shelburne and Harbor Place. Shoplifting at other drugstores should be investigated. Being poor is not a crime. Ms. Hall said it is time for Shelburne to step up and partner with Harbor Place to be part of the solution and make life better for these guests.

Norm Silcox, 50 year Shelburne resident, urged enforcing the rules. The predecessor to Harbor Place was the Econolodge and recognized as a motel. Harbor Place is not listed as a motel. If Harbor Place is a motel then tax forms are filed with the state indicating the amount paid in rooms tax and there are records of who stayed there, where they are from, and how they paid their bill. These records should be made available.

Sean Dahl, Hedgerow Drive, recalled the previous town manager served on the board for Champlain Housing Trust and Harbor Place was installed so there was conflict of interest. Harbor Place has been demonstrated to be a huge burden on Shelburne police services. Harbor Place needs to abide by all town regulations.

Joan Lenes, resident, expressed confidence the DRB will look at all the information. Ms. Lenes mentioned her participation in delivering meals on wheels for the past 30 years, including to the Econolodge. Ms. Lenes said there is improvement now due to the services offered by Harbor Place, and urged everyone to be open minded. Champlain Housing Trust is an internationally acclaimed organization and Shelburne should be proud to have Harbor Place.

Paul Gesso, Hedgerow Drive, stated laws for motels require keeping records. For guests staying less than 30 days a lodge tax is paid. For people staying more than 30 days the situation is that of landlord/tenant.

There were no further comments.

3. APPROVAL OF MINUTES

May 18, 2016

MOTION by Mark Sammut to approve the minutes of 5/18/16 as presented.

VOTING: unanimous (7-0); 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.

CU16-04SP93-7R4: Conditional Use Site Plan Amendment to add three outdoor seating tables at 3762 Shelburne Road in the Mixed Use District and Stormwater Overlay District by LaVilla Bistro

Jacques Landry, Coastal Real Estate, and Jill Spell, LaVilla Bistro, appeared on behalf of the application.

Submittals:

- Conditional Use Review Application, received 5/16/16
- Site Plan Review Application, received 5/16/16
- Property Owner Authorization Form, received 5/24/16
- Proposed Site Plan, received 5/16/16
- Parking Table prepared by Planning and Zoning Staff
- Town of Shelburne Staff Report, dated 6/15/16

STAFF REPORT

The DRB received a written staff report on the application, dated 6/15/16.

APPLICANT COMMENTS

Jacques Landry explained the wine shop adjacent to LaVilla Bistro is also a gelato store. The additional three outdoor tables are requested for use by patrons at either establishment. Jill Spell added there are existing picnic tables and with the addition of the gelato store it would be appeasable to have extra seats. There will not be outdoor service. The small round tables possibly with umbrellas will be tucked into the corner.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Site Plan Amendment, Added Tables, 3762 Shelburne Road, LaVilla Bistro (CU16-04\SP93-7R4)

MOTION by Judy Christiansen, SECOND by Jeff Pauza, to finalize the record for CU16-04\SP93-7R4 for additional outdoor tables at 3762 Shelburne Road by LaVilla Bistro. VOTING: unanimous (7-0); motion carried.

MOTION by Judy Christiansen, SECOND by Ian McCray, to close the hearing on CU16-04\SP93-7R4 for 3762 Shelburne Road by LaVilla Bistro and direct staff to prepare a decision to indicate approval for the addition of three outdoor dining tables at 3762 Shelburne Road for LaVilla Bistro. VOTING: unanimous (7-0); motion carried.

SUB16-03: Sketch Plan for a two lot subdivision at 133 & 300 Cheesefactory Lane in the Rural District by Linka Lee/Sawyer Lee Living Trust (Ewing Farm Trust)

Jennifer Desautels, Trudell Engineering, appeared on behalf of the application.

Submittals:

- Cover Letter from Trudell Consulting Engineers, dated 5/16/16, received 5/16/16
- General Information Application, received 5/16/16
- Sketch Plan Review Application, received 5/16/16
- Property Owner Authorization Form, received 5/16/16
- Sheet C1-02 titled “Subdivision Plat Sawyer W. Lee Living Trust Linka R. Lee Living Trust 133 Cheese Factory Lane, Shelburne, Vermont” prepared by Trudell Consulting Engineers, dated 4/7/16, received 5/16/16
- State Wetlands/Ponds Map prepared by Trudell Consulting Engineers, dated 4/7/16, received 5/16/16
- Project Review Sheet
- Town of Shelburne Staff Report, dated 6/15/16

STAFF REPORT

The DRB received a written staff report on the application, dated 6/15/16. Kate Mitchell stated the subdivision should also go through the review process in South Burlington because the original approval for the lot in Shelburne used acreage from the portion in South Burlington and vice versa. The lot in Shelburne is being made compliant by adding land from the lot that the applicant has part ownership of in South Burlington and the second lot that is being created is in South Burlington. A boundary line adjustment was not workable because greater than the minimum lot acreage is being transferred to create the complying lot.

APPLICANT COMMENTS

Jennifer Desautels said the lot in Shelburne is 2.3 acres and the lot in South Burlington is 8 acres. The house will remain on the lot in Shelburne so to have a complying lot 7.11 acres will be added to the existing lot in Shelburne. The land is in a family trust. No additional construction or additions are proposed.

PUBLIC COMMENT

Mr. Saunders, neighbor, asked if the South Burlington property will go into the trust. Ms. Desautels explained the land is part of the lot owned by Ms. Lee as a separate lot in South Burlington. Mr. Saunders asked if there will be two building lots. Kate Mitchell said there is not enough land in Shelburne to have complying lots for two houses.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 133 & 300 Cheesefactory Lane, Linka Lee/Sawyer Lee Living Trust (Ewing Farm Trust) (SUB16-03)

MOTION by Mark Sammut, SECOND by Mary Kehoe, to classify SUB16-01, application for a two lot subdivision as a Major Subdivision. VOTING: unanimous (7-0); motion carried.

MOTION by Mark Sammut, SECOND by Mary Kehoe, that the applicant for SUB16-03, two lot subdivision at 133 & 300 Cheesefactory Lane, be authorized to prepare a Final Plan application with the following recommendations:

- 1. The applicant shall obtain written comments from department heads as required in Section 610(13) of the Subdivision Regulations.**
- 2. Any necessary approvals from the City of South Burlington should be pursued simultaneously with subdivision approval in Shelburne, and correspondence from the City of South Burlington's Planning and Zoning office indicating all necessary approvals, if any, are being pursued shall be submitted with Final Plan application materials.**

VOTING: unanimous (7-0); motion carried.

A15-10: Appeal of Notice of Violation by Champlain Housing Trust, Inc. for change of use without a zoning permit and addition of new uses without a zoning permit at Harbor Place, 3164 Shelburne Road

Submittals:

- Memorandum from Planning and Zoning Staff to DRB Members, dated 6/6/16
- Notice of Violation
- Notice of Appeal
- Pre-file Testimony from Town of Shelburne
- Pre-file Testimony from Champlain Housing Trust (Harbor Place)

Attorneys representing their respective clients (Harbor Place, Town of Shelburne, Shelburne DRB) were present on behalf of the appeal. Any potential conflicts of interest were disclosed. Testimony was heard from both parties, Town of Shelburne and appellant. A transcript of the hearing can be found on the Town of Shelburne website. The hearing was adjourned at 10:16 PM.

5. OTHER BUSINESS/CORRESPONDENCE

None.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

With no further business and without objection the meeting was adjourned at 10:16 PM.

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