

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  
October 19, 2016**

**MEMBERS PRESENT:** Mary Kehoe (Chair); Mark Sammut, Ian McCray [arrived 8:05 PM], Judy Christensen, Jeff Hodgson, Alex von Stange. (Jeff Pauza, Ellery Harkness, and Ty Parker were absent.)

**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator; Town Manager, Joe Colangelo; Town Attorney, Claudine Safar.

**OTHERS PRESENT:** Kevin Wise, Tracey Beaudin, Rebecca Longe, Frank Talbott, Jason Tibali, Jerry Storey, Jessica Brumsted, Dave Marshall, John & Amy Saar, Roselyn Graham, Joan Lenes, Bryan Jackson, Jane & Tom Zenaty, Maria Horn, Margaret Bozak, Michael Monte, Judith Raven, Lee Suskin, Steve Crawford, Amanda Lafferty, Kate Webb.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (October 5, 2016)
4. Applications
  - Design Review, Sign, 82 Shelburnewood Drive, Shelburnewood Mobile Home Co-op (DR16-11)
  - Conditional Use, Overhang Porch Roof and New Dormer, 146 Green Hills Drive, Kevin Wise (CU16-07)
  - Final Plan, Re-subdivision, Two Lots, 75 Harbor Road, Frank Talbott (SUB99-02R5)
  - Sketch Plan, Re-subdivision, Three Lots, 3735 Harbor Road, John and Amy Saar (SUB04-05R2)
  - Appeal, Notice of Violation, Harbor Place, 3164 Shelburne Road, Champlain Housing Trust (A15-10)
5. Other Business/Correspondence
6. Adjournment and/or Deliberative Session

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Mary Kehoe called the meeting to order at 7 PM.

**2. PUBLIC COMMENT**

None.

**3. APPROVAL OF MINUTES**

*October 5, 2016*

**MOTION by Judy Christensen, SECOND by Alex von Stange, to approve the minutes of October 5, 2016 as written. VOTING: unanimous (5-0)[Ian McCray 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.

**DR16-11L Design Review for a free standing sign at 82 Shelburnewood Drive in the Village Center District, Stormwater Overlay District, and Village Design Review Overlay District by Shelburnewood Mobile Home Co-op**

Tracey Beaudin appeared on behalf of the application.

Submittals:

- Application
- Site Plan
- Site Aerial
- Elevation of proposed sign
- Town of Shelburne Staff Report, dated 10/19/16

#### STAFF REPORT

The DRB received a written staff report on the application, dated 10/19/16.

#### APPLICANT COMMENTS

Tracey Beaudin stated a color copy of the sign was submitted. The free standing sign has the name of the community and a rendering of a tree. The back of the sign will be the community bulletin board with a Plexiglas cover to keep papers dry and in place. The bulletin board will not be visible from Route 7.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Design Review, Sign, 82 Shelburnewood Drive, Shelburnewood Mobile Home Co-op (DR16-11)

**MOTION by Mark Sammut, SECOND by Judy Christensen, to grant design review approval to Shelburnewood Mobile Home Co-op for an 18”x 36” neighborhood designation sign/bulletin board at 82 Shelburnewood Drive per the drawings received 10/7/15 with the following conditions:**

1. A zoning permit shall be required prior to land development.
2. There shall be no more than two solar powered circular LED lights above the sign and they shall be black in the color version of Model UB6268 by Idealworks.

**VOTING: unanimous (5-0)[Ian McCray not present for vote]; motion carried.**

**CU16-07: Conditional Use for alteration of a nonconforming structure to add a new overhang roof and new dormer at 146 Green Hills Drive in the Residential District and Stormwater Overlay District by Kevin Wise**

Kevin Wise appeared on behalf of the application.

Submittals:

- General Application Form, received 9/27/16
- Conditional Use Application Form, received 9/27/16
- Site Plan, received 9/27/16
- Elevations, received 9/27/16
- Existing Conditions Photos, received 9/27/16
- Town of Shelburne Staff Report, dated 10/19/16

STAFF REPORT

The DRB received a written staff report on the application, dated 10/19/16.

APPLICANT COMMENTS

Kevin Wise said the setback when the box ranch house was built in 1975 was 25'. The house foundation is 30' from the property line. Photos of the house were shown and Mr. Wise explained the proposal to build a dormer to break up the roof ridge line. The dormer will not extend beyond the existing house and will be below the roof ridge. There are other houses in the neighborhood with dormers facing the street. The porch over the front door will be covered with a roof that is either cantilever or with columns.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Overhang Porch Roof and New Dormer, 146 Green Hills Drive, Kevin Wise (CU16-07)

**MOTION by Mary Kehoe, SECOND by Judy Christensen, to finalize the record and direct staff to prepare a decision to indicate approval of the Conditional Use application, CU16-07, for a porch roof overhang and new dormer at 146 Green Hills Drive by Kevin Wise with the condition a zoning permit shall be required prior to land development. VOTING: unanimous (5-0)[Ian McCray not present for vote]; motion carried.**

**SUB99-02R5: Final Plan to re-subdivide 113 acres of land currently used for agricultural purposes into two lots with no further development or new uses proposed at 75 Harbor Road in the Conservation District and the Floodplain and Watercourse Overlay District by Frank Talbott**

Frank Talbott appeared on behalf of the application.

Submittals:

- Final Plan Review Application, received 9/9/16
- Site Plan Review Application, received 9/9/16
- Project Review Sheet, received 9/6/16
- Final Plan titled “Proposed Subdivision of Bay Road Lot 3, Harbor Road, Shelburne, Vermont” prepared by Civil Engineering Associates, dated 9/11/15 and received 6/9/16
- Department Comments as required per Section 600(28)
- Staff Report for July 20, 2016 DRB meeting and corresponding record
- Staff Report for September 7, 2016 DRB meeting and corresponding record
- Town of Shelburne Staff Report, dated 10/19/16

STAFF REPORT

The DRB received a written staff report on the application, dated 10/19/16.

APPLICANT COMMENTS

In response to a question about lease versus license, Frank Talbott explained the license allows use of the property like a lease except access to the property is allowed. Judy Christensen asked if an easement could affect the agricultural use. Mr. Talbott said there would be an effect.

There was discussion of the curb cuts to the parcel (increase from one curb cut to three; the Stern curb cut is not used and the Village Farm curb cut is used on average once a day and only when cows are in the pasture). The third curb cut is wanted to avoid going through the electronic gate at One Mitten Farm. There will be no additional traffic due to the subdivision and Alec Webb has indicated both he and Shelburne Farms do not have a problem with the proposal.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Re-subdivision, Two Lots, 75 Harbor Road, Talbott (SUB99-02R5)

**MOTION by Alex von Stange, SECOND by Mary Kehoe, to finalize the record and close the hearing on the Final Plat Application, SUB99-02R5, for re-subdivision to create two lots at 75 Harbor Road by Frank Talbott, and to direct staff to prepare a decision to indicate approval of the application as depicted on the Final Plat prepared by Civil Engineering Associates, dated 9/11/15 and received 9/9/16. VOTING: unanimous (5-0)[Ian McCray not present for vote]; motion carried.**

The meeting was recessed from 7:20 PM to 7:29 PM.

**Sketch Plan to re-subdivide an existing two lot subdivision into three lots at 3735 Harbor Road in the Rural District, Lakeshore Overlay District and Floodplain and Watercourse Overlay District by John and Amy Saar**

Dave Marshall, Civil Engineering Associates, John Saar, and Amy Saar appeared on behalf of the application. Jeff Hodgson disclosed his company has done work for the Saars in the past, but does not feel this will impede his ability to be impartial. Mary Kehoe disclosed she lives on General Greene Road which is near the applicant's parcel, but does not feel impaired to make an impartial judgement.

**Submittals:**

- Application for Sketch Plan Review, received 9/26/16
- General Application, received 9/26/16
- Supplement Information (requirements, standards, maps)
- Site Plan prepared by Civil Engineering Associates titled "Overall Site Plan", dated 8/20/16 and received 9/26/16
- Town of Shelburne Staff Report, dated 10/19/16

**STAFF REPORT**

The DRB received a written staff report on the application, dated 10/19/16.

**APPLICANT COMMENTS**

Dave Marshall explained the proposal to create a subdivision for a house lot on the north side of Lot 2 which has the tennis court. An access easement is needed through Lot 2. The house lot has lake frontage. The proposed lot has capacity for an onsite waste water system and will be served by municipal water. Paul Goodrich has indicated the curb cut on Harbor Road for the driveway to the new lot is acceptable.

Judy Christensen asked about the composition of the tennis court. Amy Saar said the court surface is fabric over a base of some sort. The fence around the tennis court is still standing and in good shape. Judy Christensen asked about tree clearing for the new lot. Dave Marshall pointed out there is an area on the north side of the proposed lot that is

already cleared so there is basically meadow with some trees. The existing trees on the lot can be identified and the layout of the driveway shown. Judy Christensen asked about a path that seems to go nowhere. Dave Marshall explained this is a tractor road.

Mary Kehoe asked about the parcel marked “Parcel FY” on the site plan north of Lot 1 and if the road that is shown exists. Dave Marshall explained the original approval for the FY parcel was in 2004. The road alignment has been updated to better fit the land form. Mary Kehoe commented on the number of driveways and asked about having a shared use driveway serving several residences (Saar, Drumheller, Jackson/Jenkins). Dave Marshall said privacy was wanted with the new lot. Mary Kehoe asked if the lot has sufficient developable land. Dave Marshall stated there are 13 acres that comply with the density requirement and 13 acres allows for two 5-acre lots.

There was discussion of subdividing the strip of land on the bay side separated from the main parcel by Harbor Road. Dave Marshall asked about doing a PUD. The applicant would like the lots to have access to the lake on the bay side. John Saar added the moorings are in the bay. Kate Mitchell noted a PUD would be a different application than the subdivision application under discussion. There are different requirements with a PUD including common open space. The current application could be withdrawn and a pre-application conference done for a proposed PUD (or the current hearing could serve as the PUD preconference meeting). The DRB had no problem with either doing an easement on the strip of land or PUD application for the entire parcel. The applicant requested time to make a decision on the application.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Sketch Plan, Re-subdivision, Three Lots, 3735 Harbor Road, Saar (SUB04-05R2)

**MOTION by Mary Kehoe, SECOND by Judy Christensen, to continue the hearing for the Saar parcel at 3735 Harbor Road until November 7, 2016. VOTING: unanimous (5-0) [Ian McCray not present for vote]; motion carried.**

The meeting was recessed at 8 PM until 8:05 PM.

#### **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**

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.

**5. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by Mary Kehoe, SECOND by Judith Christensen, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 9:14 PM.

*RScty: MERiordan*