

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  
November 2, 2016**

**MEMBERS PRESENT:** Mark Sammut, Jeff Pauza, Ian McCray, Norm Blais, Alex von Stange, Ellery Harkness, Ty Parker. (Mary Kehoe, Jeff Hodgson, Judy Christensen were absent.)

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

**OTHERS PRESENT:** Chad Fitzpatrick, David Hamilton, Marc Vincent, Alex Nalbach, Ryan Hereth, Elisia Laramee, Jacqueline Hoes, David Hoes, Harold Hoes, Linda Gribnan, Steven Gribnan, Pat & Jim Collins, Bryan Jackson, Dave Marshall, Susan Baldwin, Amy Saar, Mike Bourgea.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (October 19, 2016)
4. Applications
  - Final Plan, Subdivision, Two Lots, 653 Bay Road, Laramee (SUB16-04)
  - Sketch Plan, Re-subdivision, Three Lots, 3735 Harbor Road, John and Amy Saar (SUB04-05R2)
  - Pre-Application Conference, PUD-R, Two Lots, 3735 Harbor Road, Joan and Amy Saar
  - Sketch Plan, Subdivision with Nine Lots under Form Based Code, 93 Webster Road, Baldwin (FBZ16-01)
5. Other Business/Correspondence
6. Adjournment and/or Deliberative Session

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**1. CALL TO ORDER and ANNOUNCEMENTS**

In the absence of Mary Kehoe, Mark Sammut called the meeting to order at 7 PM.

**2. PUBLIC COMMENT**

None.

**3. APPROVAL OF MINUTES**

*October 19, 2016*

Postponed until the next meeting when a quorum of those present at the October 19, 2016 meeting are in attendance.

**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.

**SUB16-04: Final Plan to subdivide an existing 9.1 acre lot into two lots at 653 Bay Road in the Residential District and Lakeshore Overlay District by Elisia Laramee**

Elisia Laramee, Chad Fitzpatrick, and David Hamilton appeared on behalf of the application.

## Submittals:

- Final Plan Application, received 10/21/16
- Act 146 Statement, received 10/21/16
- Final Plat
- Site Plan prepared by Geobarns, LLC, titled “Concept Plans”, dated 10/18/16 and received 10/20/16
- Department comment letters
- Wetlands Delineation Letter prepared by Northwood’s Ecological Consultants, received 10/20/16
- Staff Report for 9/21/16 DRB meeting and corresponding record
- Town of Shelburne Staff Report, dated 11/2/16

## STAFF REPORT

The DRB received a written staff report on the application, dated 11/2/16.

## APPLICANT COMMENTS

Chad Fitzpatrick said comments from all town departments have been submitted and the wetlands delineation, driveway, erosion, updated application and forms have all been addressed. The conditions for disturbance of one acre will be met though less than one acre will be disturbed.

David Hamilton submitted the current version of the site plan and noted there is 395’ from the buffer to the proposed disturbed area. The driveway has corner cuts and a new width. There is sedimentation control.

Kate Mitchell asked about the water service. Chad Fitzpatrick stated the engineer is completing the water service per the request of the Water Department. The plan will be updated. The water will be from 653 Bay Road and not the CWD line. CWD has a right-of-way. VELCO has an easement on the property. The driveway will be fabric so there is no digging. Kate Mitchell suggested a condition of approval that the water service be approved by the Water Superintendent.

Mark Sammut asked about site grading. Chad Fitzpatrick said the site is flat and sandy.

## PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Subdivision, Two Lots, 653 Bay Road, Laramee (SUB16-04)

**MOTION by Alex von Stange, SECOND by Ian McCray, to finalize the record for SUB16-04, subdivision application for 653 Bay Road. VOTING: 4 ayes, one abstention (Jeff Pauza); motion carried.**

**MOTION by Alex von Stange, SECOND by Ian McCray, to close the hearing for SUB16-04 for 653 Bay Road and direct staff to prepare a decision indicating approval as depicted in the Final Plan submission with the following conditions:**

- 1. The Mylar shall be recorded in the Shelburne Land Records within 180 days of the signed approval.**
- 2. A zoning permit shall be required prior to commencing any site work or construction.**
- 3. Prior to commencing construction a pre-construction meeting will be held between the developer, his engineer and contractor, and town staff, and further, additional meetings will be held as requested by town staff during construction (e.g. following large storm events).**
- 4. A copy of the State of Vermont Erosion and Sediment Control General Permit shall be required prior to the approval any zoning permit.**
- 5. A copy of the wetlands delineation shall be provided upon its completion or before the approval of any zoning permit application.**
- 6. A statement certifying that the waste water connection is acceptable by the Shelburne Wastewater Superintendent shall be required prior to the approval of any zoning permit.**
- 7. A Certificate of Occupancy shall be required.**

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

**SUB04-05R2: 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, and Amy Saar appeared on behalf of the application. Dave Marshall explained the Sketch Plan was for a straight subdivision, but this would not allow subdividing the strip of land on the bay side of the main parcel bisected by Harbor Road. The applicant would like to withdraw the Sketch Plan application and discuss doing a Rural PUD.

**MOTION by Mark Sammut, SECOND by Alex von Stange, to close the hearing for SUB04-05R2 for 3735 Harbor Road and note the applicant has withdrawn the application. VOTING: unanimous (5-0); motion carried.**

**Pre-Application Conference for a two lot PUD in the Rural District at 3735 Harbor Road per Section 1930.2B by John and Amy Saar**

Dave Marshall and Amy Saar appeared on behalf of the pre-application conference.

Submittals:

- C1.0 Overall Site Plan
- ANR Contours Map
- ANR Slopes Map
- ANR Significant Natural Areas Map
- ANR Class II Wetlands and Advisory Areas Map
- ANR Soils Map
- ANR Primary Agricultural Soils Map
- ANR Shelburne Point Rare and Endangered Mapping
- Town of Shelburne Staff Memo, dated 11/2/16

Kate Mitchell stated the purpose of the pre-application conference is to look at natural resources. The applicant has submitted ANR maps showing streams, slopes, significant natural areas, wetlands, soils, ag soils, rare and endangered species.

Dave Marshall reviewed the proposed site for the PUD and the possible house site. The 20 acre parcel has over 13 acres of developable area once slopes, floodplain, and Class II wetlands are removed.

Kate Mitchell stated the house site is being depicted on Lot 2. There will be an additional curb cut and tree clearing though there is an existing driveway and cleared area. Dave Marshall said the tree location plan will tell a better story of where the proposed driveway will be. The Saars have been removing invasive species from the property. More details will be discussed at Sketch Plan, Preliminary Plan, and Final Plan reviews.

Alex von Stange asked if the tennis courts will remain. Dave Marshall said the intent is to retain the courts and locate the driveway to the house site to the north.

**FBZ16-01: Sketch Plan to create a total of nine new units on nine lots including open space under Form Based Code at 93 Webster Road in the Residential District and Stormwater Overlay District by Susan Baldwin**

Dave Marshall, CEA, appeared on behalf of the application.

**STAFF REPORT**

The DRB received a staff memo, dated 10/24/16 for the 11/2/16 meeting.

**APPLICANT COMMENTS**

Dave Marshall noted the road required under Form Based Code was an issue for the neighbors so the alignment was moved around the church and does not go through the Bourgea property. In addition to the roadway under Form Based Code there will be a temporary roadway to access the development. The proposed houses will front the Form Based Code roadway. Mr. Marshall requested moving from Sketch Plan review to a preliminary plat level of discussion before going to Final Plan review. The next level of detail will include turning movements, turnaround for fire trucks, and other information.

Jeff Pauza asked what happens to the temporary road when it is no longer needed (the “temporary road” could be in place for 50 years). Dave Marshall said the applicant could seek some relief and would like to remove the impervious area and absorb the land into the lots, but until conditions change the temporary road must remain.

Kate Mitchell noted the applicant is requesting a waiver to have the road be gravel and not paved.

Ian McCray stated because the Form Based Code roadway may never be built the temporary roadway should be designed as a permanent road. Dave Marshall explained the ally approach in Form Based Code was taken for the road that is 20’ wide with a pedestrian component adjacent to it. If on-road parking is allowed then the road needs to be wider so fire trucks can get through with cars parked on the road. It is envisioned there will be parking on the lots (driveway, garage).

There was discussion of the temporary access road with configuration for traffic safety, pedestrian safety, and accessibility of fire/rescue vehicles in mind and designed with enough room to make the road as wide as it needs to be. Dave Marshall said Form Based Code calls for 34’ pavement width. A reduced section could be done with the right-of-way in place for easy expansion in the future when needed. The access road will be private until the road becomes permanent. The consensus of the DRB is to use permanent road standards with parking on the street per Form Based Code, have off street parking and safe pedestrian passage. Feedback from department heads should be gathered.

Ian McCray asked why Lot 1 fronts Webster Road and not the new access road. Dave Marshall said this is still open for discussion.

## PUBLIC COMMENT

Harold Hoes stated parking on the street will be more than just visitors. Residents will also park on the street. If waivers are made on the very first road under Form Based Code then a precedent is set. The access road needs to be built as a permanent road. Mr. Hoes asked if he will be precluded from developing the back portion of his property because the proposed right-of-way for the road is located there. Mr. Hoes said he has traffic 24 hours a day in his front yard and does not want traffic in his backyard as well. Kate Mitchell explained people have the option to develop under Form Based Code or the regular subdivision regulations. Under Form Based Code the DRB will decide if the road must be built. Not building the road does not preclude development of the property.

Pat Collins representing the Bourgea family whose land surrounds the applicant's property said there is no intention to ever build a road or develop the property so the Form Based Code road segment on the applicant's plan is a road that will go nowhere. The Baptist Church has no intention of developing their land either. Ms. Collins asked if their land could be taken by eminent domain if the plan to build the road advances. Ms. Collins pointed out the driveways for the houses in the proposed development will accommodate only one car and that is why the road is extra wide for parking.

Mike Bourgea stated the 34' wide road concept is flawed unless there is a place to park.

## DELIBERATION/DECISION

Sketch Plan, Subdivision with Nine Lots under Form Based Code, 93 Webster Road, Baldwin (FBZ16-01)

**MOTION by Mark Sammut, SECOND by Jeff Pauza, to classify FBZ16-01 as a Major Subdivision. VOTING: unanimous (5-0); motion carried.**

**MOTION by Mark Sammut, SECOND by Jeff Pauza, to finalize the record for FBZ16-01 for 93 Webster Road. VOTING: unanimous (5-0); motion carried.**

**MOTION by Mark Sammut, SECOND by Jeff Pauza, to authorize the applicant for FBZ16-01 for 93 Webster Road to prepare a Preliminary Plan application with the following condition(s):**

- 1. Written comments shall be obtained from department heads per Section 600.28 of the Subdivision Regulations.**
- 2. The applicant shall configure the access road as a permanent road and the Preliminary Plan shall address parking and circulation concerns.**

**VOTING: unanimous (5-0); motion carried.**

**5. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by Mark Sammut, SECOND by Alex von Stange, to adjourn the meeting.**

**VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 8:08 PM.

*RScty: MERiordan*