

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  
January 2, 2019**

**MEMBERS PRESENT:** Jeff Pauza (Chair); Mark Sammut, David Hillman, John Day, Lauren Giannullo, Norm Blais. (Jeff Hodgson and Ian McCray were absent.)

**STAFF PRESENT:** Ravi Venkataraman, DRB Administrator; Paul Goodrich, Highway Superintendent; John Goodrich, Deputy Fire Chief.

**OTHERS PRESENT:** Gary Allen, Jack Milbank, Clint West, Ben Tier, Edward McMahan, Andrew Rowe, Chris Snyder.

**AGENDA:**

1. Call to Order and Announcements
2. Approval of Minutes (12/19/18)
3. Disclosures/Potential Conflicts of Interest
4. Public Comment
5. Applications
  - Design Review, Expand Church, 92 Church Street, St. Catherine of Siena Parish (DR18-19)
  - Sketch Plan, Lot Merger, 2916 Shelburne Road, Clint West (FBZ17-01R1)
  - Conditional Use, Erosion Control Structures, 360 Sledrunner Road, True North Point of Shelburne Bay, LLC (CU19-01)
  - Conditional Use, Replace Accessory Structure, 360 Sledrunner Road, True North Point of Shelburne Bay, LLC (CU19-02)
  - Final Plan, Residential PUD, 91 Units, 5760 Spear Street, The Snyder Group (SUB16-02)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Chair Jeff Pauza called the meeting to order at 7 PM.

*ANNOUNCEMENTS*

There were no announcements at this time.

**2. APPROVAL OF MINUTES**

*December 19, 2018*

Minutes not yet available.

**3. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

John Day said he will recuse himself for CU19-01 & CU19-02 (360 Sledrunner Road, True North Point of Shelburne Bay, LLC).

#### 4. PUBLIC COMMENTS

There were no comments from the public at this time.

#### 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 DRB were sworn in.

**DR18-19: Design Review to expand an existing church at 92 Church Street in the Village Center District, Village Core Overlay District, Village Design Review District, and Stormwater Overlay District by St. Catherine of Siena Parish**

**MOTION by Jeff Pauza, SECOND by Mark Sammut, to continue the application for 92 Church Street (DR18-19) to January 16, 2019. VOTING: unanimous (6-0); motion carried.**

**FBZ17-01R1: Sketch Plan to merge two adjacent parcels at 2916 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Clint West**

Clint West appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., received 12/11/18
- Sketch Plan Review application, received 12/11/18
- Plat of Survey and Lot Merger, received 12/11/18
- Town of Shelburne Staff Report, dated 1/2/19

#### STAFF REPORT

The DRB received a written staff report on the application, dated 1/2/19.

#### APPLICANT COMMENTS

Clint West explained he was late in filing the Mylar and that is why the application is back for re-approval. Nothing has changed with the proposal.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Sketch Plan, Lot Merger, 2916 Shelburne Road, West (FBZ17-01R1)

**MOTION by Mark Sammut, SECOND by John Day, to classify the application for 2916 Shelburne Road by Clint West (FBZ17-01R1) as a minor subdivision and finalize the record, close the hearing, and direct staff to prepare a decision to authorize Civil Engineering Associates, Inc. on behalf of the applicant, Clint West, to prepare a Final Plan Application for FBZ17-01R1 with the following recommendations:**

1. **The applicant must provide documentation indicating exemption from EPR Chapter 22 or show that an Individual Stormwater Permit is in process pursuant to Shelburne bylaws, Section 530.**

2. **Per Section 610(13) of the Shelburne Subdivision Regulations the applicant must obtain comments from town department heads per Section 600(28) of the Shelburne Subdivision Regulations and include the comments in the Final Plan Application.**

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

**CU19-01: Conditional Use to build a series of lakeshore erosion control structures at 360 Sledrunner Road in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by True North Point of Shelburne Bay, LLC**

Jack Milbank, CEA, appeared on behalf of the application. John Day recused himself.

**Submittals:**

- Cover letter prepared by Civil Engineering Associates, Inc., received 12/11/18
- General Application Form, received 12/11/18
- Conditional Use Review Application, received 12/11/18
- Property Owner Authorization Letter, signed 9/27/18 and received 12/11/18
- Site Plans, received 12/11/18
- Images of site, received 12/11/18
- Town of Shelburne Staff Report, dated 1/2/19

**STAFF REPORT**

The DRB receive a written staff report on the application, dated 1/2/19. Ravi Venkataraman said the applicant is proposing three lakeshore erosion structures, plantings, and fill.

**APPLICANT COMMENTS**

Jack Milbank stated in 2005 and 2007 the property owner received fill and erosion permits to stabilize weak points along the shoreline. A vegetative plan to manage the vegetation on the site has been submitted. The application is mainly for shoreline maintenance. Plantings will be done. The significant red oak tree will be protected as well as the waterline used for irrigation purposes.

**PUBLIC COMMENT**

None.

**DELIBERATION/DECISION**

**Conditional Use, Erosion Control Structures, 360 Sledrunner Road, True North Point of Shelburne Bay, LLC (CU19-01)**

**MOTION by Jeff Pauza, SECOND by Lauren Giannullo, to finalize the record and close the hearing for CU19-01 for erosion control structures at 360 Sledrunner Road by True North Point of Shelburne Bay, LLC, and direct staff to prepare a decision indicating approval of the application prepared by Civil Engineering Associates, Inc. on behalf of True North Point of Shelburne Bay, LLC with the following conditions:**

1. A zoning permit is required prior to the installation of the lakeshore erosion control structure(s) pursuant to Sections 1810 and 2010 of the Shelburne bylaws.
2. The applicant must submit a Vermont Agency of Natural Resources Project Review Sheet with the application for a zoning permit as required by Section 1816 of the Shelburne bylaws.

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

**CU19-02: Conditional Use to replace a nonconforming accessory structure at 360 Sledrunner Road in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by True North Point of Shelburne Bay, LLC**

Jack Milbank, CEA, appeared on behalf of the application. John Day recused himself.

**Submittals:**

- Cover letter prepared by Civil Engineering Associates, Inc., received 12/11/18
- General Application Form, received 12/11/18
- Conditional Use Review Application, received 12/11/18
- Property Owner Authorization Letter, signed 9/27/18 and received 12/11/18
- Site Plans, received 12/11/18
- Plans and Elevations prepared by TruexCullins, received 12/11/18
- Town of Shelburne Staff Report, dated 1/2/19

**STAFF REPORT**

The DRB receive a written staff report on the application, dated 1/2/19. Ravi Venkataraman said the applicant is proposing to replace a 732 s.f. existing garage with a 1216 s.f. garage. The existing structure has been in place since 1962 and is nonconforming because it is located in the side yard setback. The new garage will be no more nonconforming than the existing garage.

**APPLICANT COMMENTS**

Jack Milbank entered into evidence photos of the existing garage (Exhibit 1) and explained the new building will be moved forward to preserve the width of the driveway and provide the additional square footage without increasing the nonconforming.

**PUBLIC COMMENT**

None.

**DELIBERATION/DECISION**

**Conditional Use, Replace Accessory Structure, 360 Sledrunner Road, True North Point of Shelburne Bay, LLC (CU19-02)**

**MOTION by Norm Blais, SECOND by Jeff Pauza, to finalize the record and close the hearing for CU19-02 to replace an accessory structure at 360 Sledrunner Road by True North Point of Shelburne Bay, LLC, and direct staff to prepare a decision indicating approval of the application prepared by Civil Engineering Associates, Inc. on behalf of True North Point of Shelburne Bay, LLC with the condition a**

**zoning permit is required prior to any land development pursuant to Section 2010.1 of the Shelburne bylaws. VOTING: unanimous (5-0); motion carried.**

John Day returned to the DRB.

**SUB16-02: Final Plan for a 91 unit Residential Planned Unit Development at 5760 Spear Street in the Residential District, Stormwater Overlay District, Floodplain and Watercourse Overlay District by The Snyder Group, Inc.**

Andy Rowe, Lamoureux & Dickinson, and Chris Snyder, The Snyder Group, appeared on behalf of the application.

**Submittals:**

- Materials with Sketch Plan Application received from 2/22/16 to 10/5/16 (see list under “Record” in Staff Report, dated 1/2/19)
- Material with Preliminary Plan Application received from 6/7/17 to 9/19/18 (See list under “Record” in Staff Report, dated 1/2/19)
- Cover letter prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated and received 12/11/18
- General Application Form, received 12/11/18
- Final Plan Review Application, received 12/11/18
- Comprehensive Plan Narrative, received 12/11/18
- Report on Title to Real Property, received 12/11/18
- Declaration of Planned Community for Fairway at Spear, received 12/11/18
- Bylaws of Fairway at Spear Homeowners Association, Inc., received 12/11/18
- Open Space Agreement between Town of Shelburne and The Snyder Shelburne Properties, LLC, received 12/11/18
- Easement Deed between Elna M. Samuelsen and The Snyder Group, Inc., received 12/11/18
- Irrevocable Offer of Dedication (roadways) between The Snyder Shelburne Properties, LLC and Town of Shelburne, received 12/11/18
- Warranty Deeds between The Snyder Shelburne Properties, LLC and Town of Shelburne, received 12/11/18
- Site Plans, received 12/11/18
- Memorandum to Staff from Sai Kumar Sarepalli, Transportation Engineer for Chittenden County Regional Planning Commission, dated 12/6/17
- Traffic Impact Assessments, revised 9/21/18 and received 12/18/18
- Comments from Highway Superintendent, Paul Goodrich, dated 12/21/18 and received 12/26/18
- Correspondence between Chris Robinson, Shelburne Water Quality Superintendent, and David Wheeler, Assistant Stormwater Superintendent, City of South Burlington, dated and received 12/27/18
- Town of Shelburne Staff Report, dated 1/2/19

**STAFF REPORT**

The DRB received a written staff report on the application, dated 1/2/19. Ravi Venkataraman noted additional material that was received includes colored plans from the applicant, a memo from Chris Robinson regarding the waste water connection, and Water Department staff review of the third party review of the traffic study that was provided by the applicant. Staff's recommendation is to continue the application to allow thorough review of the recently received material. The DRB may want to discuss building envelopes and accessory structures (sheds) with the applicant.

#### APPLICANT COMMENTS

Chris Snyder gave a brief history of the project review process and an overview of the development with 91 units made up of single family houses, cottage homes, and townhomes. The property around the townhomes will be owned and maintained by the homeowners association. The single family house lots are owned by the home owner. Comments on the development have been received from town departments including Public Works, Water, Wastewater, and Stormwater. A response from Regional Planning on the traffic information has not yet been received.

There was discussion of accessory structures (sheds). Mr. Snyder said the single family lots can have sheds. The townhome and cottage home lots have common land and any accessory structure would be located there and built by the homeowners association.

Jeff Pauza asked if the issue of toxicity of soils has been addressed. Chris Snyder said the golf course has a management plan. Site assessment of soil conditions can be done on Phase 1 of the development as a condition of approval.

There was discussion of the width of the road in the development (26'). Paul Goodrich, Shelburne Public Works, said road width per the town highway specifications is 28' wide in order to plow the roads. John Goodrich, Shelburne Fire Department, said the road width should be 28' for access by emergency vehicles, especially if there are cars parked on the road. Andy Rowe said at the partial review of the project there was desire for less impervious surface. A condition of approval was that all streets in the development will be public and 26' wide. It was noted the DRB minutes from November 2017 discuss public and private road width (staff will forward the link). Norm Blais asked about the impact of changing the road width to 28' per the specifications. Chris Snyder said the plans will have to be redrawn. The road is in a residential neighborhood and will not be a thoroughfare. There was much discussion of road width during the project review process. Mark Sammut commented the tradeoff is between having to back up a snowplow for less impervious surface.

Mark Sammut commented on the town owning the pump station. Andy Rowe mentioned Public Works is asking for a pump station different from the one proposed which meets the public works standards.

#### PUBLIC COMMENT

Benjamin Tier, resident, asked if there will be a dense barrier or fence for privacy should the three large willow trees by his property be removed. Andy Rowe said there is a 50'

perimeter setback around the entire parcel. Chris Snyder said the existing growth will remain along the property line.

DELIBERATION/DECISION

Final Plan, Residential PUD, 91 Units, 5760 Spear Street, The Snyder Group (SUB16-02)

**MOTION by Mark Sammut, SECOND by John Day, to continue review of The Snyder Group application, SUB16-02, for a 91 unit Residential PUD at 5760 Spear Street to January 16, 2019. VOTING: unanimous (6-0); motion carried.**

**6. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by John Day, SECOND by Mark Sammut, to adjourn the meeting and convene deliberative session. VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 8:42 PM.

*RScty: MERiordan*