

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 3, 2018**

**MEMBERS PRESENT:** Mary Kehoe (Chair); Mark Sammut, Jeff Pauza, Lisa LaMantia, Jeff Hodgson, Ian McCray [left 8:33 PM], Joanna Watts.  
**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator.  
**OTHERS PRESENT:** Roger Guillemette, Bernie Guillemette, Gerald Guillemette, Peter Gibbs, Jeff Zweber, David Hall, Jay Desautels, Melisa Desautels, Scott Homsted, Megan Nedzinski, Andrew Murray.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (12/6/17, 12/20/17)
4. Applications
  - Design Review, Metal Roof, 173 Shelburnewood Drive, Luckenbill/Aguiar (DR17-21)
  - Final Plan, Subdivision, Six Lots, 0 Pond Road, Desautels (SUB04-10R1)
  - Sketch Plan, Mixed Use PUD, Library/Town Hall/Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05)
5. Other Business
6. Adjournment

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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**

*December 6, 2017*

**MOTION by Ian McCray, SECOND by Mark Sammut, to approve the minutes of 12/6/17 with correction of the name spelling of Sherwood Farnsworth and correction of the voting to reflect abstention by Lisa LaMantia. VOTING: unanimous (7-0); motion carried.**

*December 20, 2017*

**MOTION by Mark Sammut, SECOND by Lisa LaMantia, to approve the minutes of 12/20/17 as written. 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 DRB were sworn in.

**DR17-20: Design review for a new metal roof at 173 Shelburnewood Drive by Barbara Luckenbill/Scott Aguiar**

No one appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application, received 12/19/17
- Property Owner Authorization
- Photograph of mobile home at 173 Shelburnewood Drive
- Google Earth site image
- Photograph of mobile home at 176 Shelburnewood Drive showing recent new metal roof
- Town of Shelburne Staff Report, dated 01/03/18

STAFF REPORT

The DRB received a written staff report on the application, dated 01/03/18.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Metal Roof, 173 Shelburnewood Drive, Luckenbill/Aguiar (DR17-21)

**MOTION by Mark Sammut, SECOND by Jeff Hodgson, to grant design review approval of DR17-21, design review application for a new dark gray metal roof at 173 Shelburnewood Drive by Barbara Luckenbill/Scott Aguiar, with the condition a zoning permit shall be required prior to commencing construction. VOTING: unanimous (7-0); motion carried.**

**SUB04-10R1: Final Plan for a six lot subdivision at 0 Pond Road in the Rural District and Floodplain and Watercourse Overlay District by Jay Desautels**

Jay Desautels and Scott Homsted appeared on behalf of the application.

Submittals:

- Letter of Transmittal, received 12/6/17
- Final Plan Review Application, received 12/6/17

- Site Plan Review Application, received 12/6/17
- Response to staff/department head comments, received 12/6/17
- Final Plan Review Planning Criteria, received 12/6/17
- Stormwater Management Plan, received 12/6/17
- General Permit, received 12/6/17
- Wastewater System and Potable Water Supply Permit, received 12/6/17
- Warranty Deed(s), Lot(s) 1, 2, 3, 4 5, 6, received 12/6/17
- Open Space Agreement, received 12/6/17
- Bylaws of Stormwater Association, received 12/6/17
- Final Plan Set, received 12/6/17
- Record of Pre-Application Conference materials
- Record of Sketch Plan Application materials
- Record of Preliminary Plan Application materials,
- Town of Shelburne Staff Report, dated 01/03/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 01/03/18.

#### APPLICANT COMMENTS

Scott Homsted gave a brief overview of the proposal to subdivide land into six building lots. The existing drive on Route 116 will serve two lots (lots 1 & 2). There is an existing house on Route 116. Access to lots 4, 5, 6 will be from Pond Road. Each lot will have a drilled well and on-site waste water system. Application has been submitted for a state waste water and potable water supply permit and a stormwater discharge permit. Storm water runoff will be managed with swales, vegetative connections, and dry ponds (one pond will be a fire pond). Monuments in the field will define the open space. Mr.

Homsted addressed comments in the staff report as follows:

- Lot 3 building envelope (erroneously referred to as Lot 5 in the staff report) is on the highest part of the land. It is unlikely the building envelope is in the floodplain overlay.
- The open space can be memorialized with bearings and distances tied to the deed.
- The 75' buffer has been added to the plans.
- A state storm water discharge permit has been received. For erosion control a state general permit for storm water runoff from the construction site will be obtained.
- The proposal is in compliance with the town's bylaws
- A wetlands ecologist can look at the wetlands area on Lot 3 in the spring prior to issuance of a building permit.

- Well yield is ¾ gallons per minute to 60 gallons per minute so there is no concern about adequate yield.
- The VAST trail connection will be maintained though relocated away from the proposed houses.
- A suggested road name was submitted, but the Selectboard said final approval of the site plan from the DRB is needed before the road name is approved.
- Revised plans will be submitted showing the periphery buffer (was an oversight to leave this out).
- Bearings and distances around the open space tied to lot corners and physically set in the field will be added and shown on a separate plan to be filed in the town records.

Mary Kehoe asked about the turnaround for fire trucks by lots 4, 5, 6. Scott Homsted said the driveway for Lot 4 will be the turnaround. With the larger building envelopes the location of the turnaround will be determined when the house is built. The homeowner will work with the Fire Department. The drive will be 20' wide with two foot wide shoulders.

#### PUBLIC COMMENT

Bernie Guillemette questioned the new location of the VAST trail through the swamp area on the property, noting Norm Thibeault would not likely allow the trail to go over water. Jay Desautels said the trail has gone across the swamp in the past without issue. Gerry Guillemette said the water is not necessarily frozen when there is snow on the ground so the VAST trail going over the swamp does not make sense. Scott Homsted said the existing route goes over water. The path is located in a usable area without going by houses or cutting trees.

The Guillemette family expressed concern the daily operation of the family dairy farm and associated noise, odors, machinery, and farm traffic is not compatible with the proposed residential development across the road. The farm has been in operation for the past 70 years and is one of only 800 remaining working farms in the state. Scott Homsted said the closest building envelope is 400' from Pond Road. The building envelopes were approved as part of another subdivision application. Bernie Guillemette noted the past proposal did not have the driveway off Pond Road. Gerry Guillemette added having the woods provides a barrier. There was discussion of other possible placements for the driveway (one entrance near Lot 3 or off the drive from Route 116 to the back of the proposed lots). Scott Homsted said the location of the curb cut for the shared driveway off Pond Road is the best location for sight distance and access. Paul Goodrich helped select the location. The ridge off Route 116 would be very challenging for a driveway.

## DELIBERATION/DECISION

Final Plan, Subdivision, Six Lots, 0 Pond Road, Desautels (SUB04-10R1)

Mary Kehoe noted the concerns about the farm operation being incompatible with the residential development have been heard, but the area is permissible for residential development per the town regulations.

**MOTION by Mark Sammut, SECOND by Jeff Pauza, to finalize the record and close the hearing for SUB04-10R1, Final Plan for a six lot subdivision at 0 Pond Road by Jay Desautels. VOTING: unanimous (7-0); motion carried.**

**MOTION by Jeff Pauza, SECOND by Joanna Watts, to direct staff to prepare a decision indicating approval of SUB04-10R1, six lot subdivision at 0 Pond Road by Jay Desautels, with the following conditions:**

- 1. The Mylar shall be recorded in the Shelburne land records within 180 days of the signed approval of the application.**
- 2. The Mylar shall depict the periphery buffer area.**
- 3. The applicant shall record the finalized legal documents approved by the Town Attorney and DRB Coordinator within 180 days of the signed approval.**
- 4. Prior to commencing construction a pre-construction meeting will be held between the developer, his engineer and contractor, and town staff; additional meetings will be held as requested by town staff during construction (e.g. following large storm events).**
- 5. A zoning permit shall be required prior to commencing land development.**
- 6. Any zoning permit shall include a site plan with the building envelope and setback requirement depicted.**
- 7. Any zoning permit shall include floor plans and elevations.**
- 8. Any zoning permit shall include documents demonstrating that any easements benefiting or crossing the lot have been approved by the Town Attorney and recorded in the Town of Shelburne Land Records.**
- 9. Prior to approving a Certificate of Occupancy the fire pond shall be constructed and approved by the Town of Shelburne Fire Chief or an authorized representative of the Fire Chief.**
- 10. Prior to recording the Mylar the applicant shall obtain approval by the Selectboard for the access serving lots 4, 5, 6.**
- 11. No development shall occur until the 75' buffer is depicted on the site plan.**
- 12. The state wetlands division shall be consulted regarding wetlands and the location of the driveway prior to any land development.**
- 13. The VAST trail shall be maintained as depicted.**

14. The applicant shall work with the Shelburne Fire Department on the turnaround for fire trucks.

15. Bearings and distances shall be memorialized and filed in the town land records.

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

**SUB17-05: Sketch Plan for a Mixed Use Planned Unit Development for reconstruction of the library, renovations to town hall, and upgrades to the municipal campus including changes to circulation, parking, and storm water facilities at 5376, 5420, 2141, 2137, and 5404 Shelburne Road in the Village Center District, Village Design Review, Village Core, and Stormwater Overlay districts by Town of Shelburne**

Andrea Murray and Megan Nedzinski, Vermont Integrated Architecture, and Peter Gibbs and Jeff Zweber, Engineering Ventures, appeared on behalf of the application.

Submittals:

- Transmittal, received 12/13/17
- Cover letter and project description prepared by Vermont Integrated Architecture, PC, received 12/8/17
- General Application Form, received 12/12/17
- Sketch Plan Application, received 12/12/17
- Abutters List
- Existing Conditions Plan prepared by Vermont Integrated Architecture, PC, received 12/14/17
- Context Map prepared by Vermont Integrated Architecture, PC, received 12/14/17
- Existing Site Plan prepared by Vermont Integrated Architecture, PC, received 12/14/17
- Proposed Site Plan prepared by Vermont Integrated Architecture, PC, received 12/14/17
- Town of Shelburne Staff Report, dated 01/03/18

STAFF REPORT

The DRB received a written staff report on the application, dated 01/03/18.

APPLICANT COMMENTS

Andrea Murray gave a history of the library/town hall/municipal campus project and reviewed the site plan, traffic circulation, and parking for the chosen option. The following was highlighted:

- The library square footage will increase by 40%. The spacing for collections and program options will meet code.
- The library is not planning to increase staff though more visitors to the site are anticipated. The goal is to be better organized and offer more programs and services, and remain in the walkable downtown.
- Police, Public Works, Fire Department, and others who use the area will be contacted to better understand concerns, operability, and maintenance.

Ian McCray commented positively on the paved space, green space, and building space being shown on the plans and suggested looking at ways to bring together more of the green space so there is a continuous block.

Jeff Pauza requested seeing the parking spaces on the site now and those proposed. Andrea Murray said a rendering is being done showing the potential of an increase of 20 parking spaces. Megan Nedzinski said the zoning bylaws do not call out the number of parking spaces to correspond to the increase in square footage. Mark Sammut asked if there is opportunity to the south of the fire station for parking. Andrea Murray said there may be opportunity for a row of 11 parking spaces with cutback of the island as requested by the Fire Department. The Fire Department closes the area behind the station for training every Thursday. Mary Kehoe asked if there is opportunity to expand parking on the south side of the complex. Andrea Murray said this has not yet been explored.

Jeff Hodgson suggested the sidewalk that parallels Shelburne Road be conducive to people who want to continue walking down the road.

Lisa LaMantia asked about having parallel parking on the other side of the row of trees by the fire station. Andrea Murray said measurements are being done of the turns by the fire trucks to see what is feasible.

Mary Kehoe commented positively on the library community living room being angled and visible from Shelburne Road, not obscured by landscaping. Andrea Murray said a formal landscaping plan will be submitted at the next review. There is a buffer for the noise. The library will be a beacon to draw people in. The historic building will be respected.

Mark Sammut asked if the storm water treatment will be subsurface. Peter Gibbs said design of the storm water treatment is underway. More details will be forthcoming. There will be foundation drains around historic town hall and the new library as well as drainage out front. The topography slopes to the northeast.

Jeff Pauza asked if the building will be one or two stories. Andrew Murray said the addition to the library will be two story, the community living room will be one and a half stories, and historic town hall floor level is four foot above grade. There will be an elevator to serve the buildings.

Mark Sammut asked about the project timeline. Andrea Murray said construction will begin at the end of June following completion of permitting.

#### PUBLIC COMMENT

David Hall, Shelburne Tree Warden and member of the Shelburne Tree Advisory Committee, expressed concern about tree cutting and impact on existing plantings and trees. Andrea Murray said there are trees by the fire station and one by the entrance to the library that are impacted. There is a healthy allowance in the budget for new tree plantings.

#### DELIBERATION/DECISION

Sketch Plan, Mixed Use PUD, Reconstruction/Upgrades, Library, Town Hall, Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05)

**MOTION by Mark Sammut, SECOND by Jeff Hodgson, to classify the subdivision application, SUB17-05, as a Major Subdivision. VOTING: unanimous (6-0)[Ian McCray not present for vote]; motion carried.**

**MOTION by Mark Sammut, SECOND by Mary Kehoe, to authorize the applicant to prepare a Preliminary Plan application for the Mixed Use PUD at 5376, 5420, 2141, 2137, 5404 Shelburne Road with the following conditions:**

- 1. The applicant shall obtain written comments from department heads as required in Section 610(28) of the Subdivision Regulations.**
- 2. The applicant shall reach out to the Tree Advisory Committee and Tree Warden for input on the application.**

**VOTING: unanimous (6-0)[Ian McCray not present for vote]; motion carried.**

#### **5. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by Jeff Pauza, SECOND by Mark Sammut, to adjourn the meeting. VOTING: unanimous (6-0)[Ian McCray not present for vote]; motion carried.**

The meeting was adjourned at 8:53 PM.