

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
February 20, 2019**

MEMBERS PRESENT: Jeff Pauza (Chair); Mark Sammut, John Day, David Hillman, Lauren Giannullo, Norm Blais. (Doug Griswold was absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Brian Precourt, Ken Albert, Bart Frisbie, Andy Rowe, David Marshall, Normand Stanisles, Will and Linda Vinci, Patrick Kennedy, David Stewart, Gail Albert, Peter Raymond, Andrea Dotolo, Clark Hinsdale, Shawn Sweeney, John Kerin, Maureen Mindell, Carolyn Brown, Kate Longmane, Abigail Dery.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (2/6/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Design Review, Replace Windows, Door Location, Roof, 80 Shelburne Shopping Park, Precourt Investment Co., LLC (DR19-01)
 - Sketch Plan, Subdivision, Two Lots, 120 Graham Way and Sage Court, Shelburne Green, LLC (SUB13-02R4)
 - Preliminary Plan\Site Plan, Modify Conditions of Approval, 120 Graham Way (formally 6221 Shelburne Road), Shelburne Green, LLC (SUB13-02R3)
 - Final Plan, Residential PUD, 91 Units, 5760 Spear Street, The Snyder Group (SUB16-02)
 - Conditional Use\Site Plan, Expand Nonconforming Structure, 2689 Shelburne Road, NIMRAH, LLC (CU19-03\SP19-01)
 - Site Plan, Modify Lighting Plan, 3708 Shelburne Road, Shelburne Tractor, LLC (SP19-02)
 - Preliminary Plan, Re-Subdivision, Two Lots, 5059 and 5061 Shelburne Road, Shawn Sweeney (SUB12-04R4)
 - Preliminary Plan\Conditional Use, Expand Existing Use, 3328 Shelburne Road, The Automaster, LLC (SUB12-07R4\CU99-24R5\SP93-01R3)
6. Other Business
7. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Jeff Pauza called the meeting to order at 7 PM. There were no announcements.

2. PUBLIC COMMENTS

There were no comments from the public at this time.

3. MINUTES

February 6, 2019

Action was postponed to allow review of the video tape of the 2/6/19 DRB meeting and comments by Mark Sammut relative to drainage on Mt. Philo Road and a 25 year storm event in the review of the Sterling Land Co. application. Also, John Day corrected that he is a client of Civil Engineering Associates, not Clint West, as noted in the 2/6/19 minutes.

Below are comments/questions from Mark Sammut relative to a 25 year storm event and drainage on Mount Philo Road following review of the 2/6/19 DRB meeting tape:

- Mark Sammut to Andy Rowe: With a reasonable amount of certainty you can design and execute this plan such that you would not see any increase in water or any water leaving the site going across to the eastern side of Mount Philo Road. Andy Rowe answered yes.
- Mark Sammut to Andy Rowe: In your opinion per the existing conditions plan and the proposed conditions plan given the existing and proposed contours on Lots 2 and 3 you are going to be intercepting a lot of water that would typically run across Lot 1 and directing it into your storm water treatment facility. Andy Rowe answered yes and added the culvert across the front of Lot 1 will be shortened increasing the length of the ditch to intercept water. Mark Sammut commented: Given what I know I think that would greatly improve the situation.
- Mark Sammut to a resident on Mount Philo Road: Have you ever seen the ditch fill up during a rain event where water was over-topping Mount Philo Road. The resident answer not that he can recall.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

- John Day and Jeff Pauza announced they will recuse themselves for the Shelburne Green applications.

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.

DR19-01: Design Review for changes to some previously approved windows and door location and the replacement of a metal roof with a standing seam roof at 80 Shelburne Shopping Park in the Village Center District, Village Design Review Overlay District, Village Core Overlay, and Stormwater Overlay District by Precourt Investment Co., LLC

Brian Precourt appeared on behalf of the application.

Submittals:

- Application
- Site Plan
- Existing building elevations, dated 11/28/17
- Proposed building elevations, dated 11/28/17

- Revised proposed building elevations, dated 2/3/19
- Photographs of building
- Catalog cut sheets for proposed windows
- Town of Shelburne Staff Report, dated 2/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/20/19.

APPLICANT COMMENTS

Brian Precourt explained there are no changes to the north side of the building. A separate door to the apartments on the south side of the building will be added. Windows on the west side will be moved to the parking lot side of the building. The same windows will be installed. After putting in a new foundation under the front of the building the roof will all be on the same plane.

PUBLIC COMMENT

Shawn Sweeney spoke positively of the enormous improvement to the building in the corner of the shopping center lot.

DELIBERATION/DECISION

Design Review, Replace Windows, Door Location, Roof, 80 Shelburne Shopping Park, Precourt Investment Co. (DR19-01)

MOTION by Mark Sammut, SECOND by John Day, to grant design review approval of DR19-01 by Precourt Investment Co., LLC for a change in window and door locations and a new standing seam roof at 80 Shelburne Shopping Park as submitted on the elevations dated 2/3/19 with the condition a new zoning permit depicting the revised plans shall be required. VOTING: unanimous (6-0); motion carried.

SUB13-02R4: Sketch Plan for a proposed two lot subdivision at 120 Graham Way and Sage Court in the Commerce and Industry South District and Stormwater Overlay District by Shelburne Green, LLC

Jeff Pauza and John Day recused themselves. Mark Sammut facilitated the meeting. Dave Marshall, CEA, appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., dated and received 12/11/18
- General Application Form, received 12/11/18
- Sketch Plan Review Application, received 12/11/18
- Overall Site Plan, received 12/11/18
- Town of Shelburne Staff Report, dated 1/16/19

STAFF REPORT

The DRB previously received a written staff report on the application, dated 1/16/19. Ravi Venkataraman noted the application is a continuation. The proposal is to draw a line

subdividing Phase 1 of the PUD from Phase 2 (Shelburne Green South). This will create an alternate side yard setback of zero feet. The proposal represents a major subdivision.

APPLICANT COMMENTS

Dave Marshall explained Shelburne Green North was the original manufacturing facility bordered by Cynosure Drive. The proposal is to subdivide the 20 acre property in the most practical location to separate Shelburne Green North from Shelburne Green South. Staff can determine the setback. Waivers are not needed for lot or building coverage on either lot.

PUBLIC COMMENT

Dave Stewart, The Gables, asked why the lot was split. Dave Marshall explained any subdivision allows for transfer of property to be easier.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 120 Graham Way/Sage Court, Shelburne Green, LLC (SUB13-02R4)

MOTION by Mark Sammut, SECOND by Norm Blais, to classify SUB13-02R4, two lot subdivision at 120 Graham Way/Sage Court by Shelburne Green, LLC, as a major subdivision pursuant to Town of Shelburne Subdivision Regulations, Article II, and to finalize the record, close the hearing, and authorize the applicant to file a Preliminary Plan application based on materials presented in the Sketch Plan application, and with the following conditions:

- 1. The applicant must file a Site Plan Review application with the Preliminary Plan application pursuant to Section 1930.2(B).**
- 2. The applicant must obtain and submit comments from various town departments with the Preliminary Plan application pursuant to Town of Shelburne Subdivision Regulations, Section 600(28).**
- 3. Any proposed new lots, new lot lines, and/or major revisions to the application materials in the Sketch Plan application, SUB131-02R4, will require a re-filing of the Sketch Plan Review application pursuant to Town of Shelburne Subdivision Regulations, Articles II and III.**

VOTING: unanimous (4-0); motion carried.

SUB13-02R3: Preliminary Plan/Site Plan Review to substantially modify previous conditions of approval at 120 Graham Way in the Commerce and Industry South District and Stormwater Overlay District by Shelburne Green, LLC

Dave Marshall with CEA, Peter Raymond, legal counsel, and Norm Stanisles appeared on behalf of the application.

Submittals:

- Project Narrative
- Business and Operating Plan for Food Service in Building 6
- Parking Allocation – Shelburne Green South Sage Court
- RAB Pole Lighting Cut Sheet
- Response to Staff Report for 12/19/18 DRB hearing on SUB13-02R3

- Site Plans
- Correspondence from Water Quality Superintendent, Chris Robinson, received 1/31/19
- Staff Memo on the application , dated 1/31/19

STAFF REPORT

The DRB received a staff memo on the application, dated 1/31/19. Ravi Venkataraman presented a letter from Shelburne Green to The Gables regarding a number of items of discussion and resolutions.

MOTION by Mark Sammut, SECOND by Norm Blais, to enter the letter from Shelburne Green to The Gables, dated 2/6/19 and received 2/20/19, into the record as Exhibit A. VOTING: unanimous (4-0); motion carried.

Ravi Venkataraman reported the applicant has been informed repeatedly that the PUD is not approved for concerts and special events. The town does not issue special event permits.

APPLICANT COMMENTS

Dave Marshall reviewed the modified site plan, pointing out the building is in a reverse “C” shape with the goal being to create an envelope around the activity area that is sheltered from the residential area. The proposed café is tucked into the northwest corner of Building 6. The entire building is a sound barrier. The design and architecture attempt to break up the mass of the building. Shelburne Green South operates 24 hours per day. Under the revised café hours of 10 AM to 10 PM food and beverage service will end at 9 PM. Traffic circulation on the south end of the development is similar to the large circle on the north side of the property. The building square footage is back to the original proposal. Additional screening and buffering have been added.

Peter Raymond, attorney for Shelburne Green, stated a rebuttal to the staff comments has been submitted. The most recent staff report speaks of compliance to the town plan, but the Vermont Supreme Court ruled statements in a town plan are not enforceable like a zoning regulation. A use must be consistent with the growth area identified in the town plan. The 2,500 s.f. café portion of the project was approved in the existing permit. There is no application to expand the café. There will be 68,000 s.f. of commercial and industrial primary uses in the PUD. One goal of the Commerce and Industry Zoning District is to support economic development portions of the town plan, and the proposal is consistent with that. Regarding special events, there is no proposal for special events from Fiddlehead. This is not part of the application.

Norm Blais asked Attorney Raymond if his understanding is that individual members of The Gables Association are bound by the decision of the Association. Peter Raymond said the agreement is with The Gables Association. Individuals are free to act on their own. The agreement recognizes that Shelburne Green tried to address concerns of The Gables while still supporting the economic viability of the project and the substantial investment. Norm Blais asked if the DRB should wait on the decision until there is a final

agreement with The Gables. Peter Raymond said this is not necessary. Dave Marshall pointed out the letter from Shelburne Green shows what the applicant is willing to change in the application before the DRB.

Mark Sammut asked if the applicant plans to execute the letter agreement. Norm Stanisles said the agreement was provided to The Gables Association which forwarded it to their legal counsel. It is not known at this time if the agreement will be executed as written or as amended. Mark Sammut asked if the traffic circulation has changed. Dave Marshall said there are changes primarily on the south end of the lot. Mark Sammut commented there are some substantive changes that should be reviewed by the Fire Department and Rescue.

PUBLIC COMMENT

Clark Hinsdale said he is a member of the Nancy Hinsdale revocable trust that owns the unit at The Gables occupied by his mother, Nancy Hinsdale. The agreement is just a proposed agreement from the applicant and has not been executed. The agreement includes materials the applicant is willing to change in the negotiation with the DRB. The map and written testimony submitted previously to staff show where the regulations allow restaurants up to 200' from Route 7. The applicant is asking for the maximum possible variance from the rules by proposing a restaurant at the extreme other side of the development against the residential buffer. The café is not a café, but is a restaurant. It was foreseeable that the development of the facility would drive the need for a restaurant. The enterprise has been tremendously successful and the applicant chose to put the restaurant where proposed. Shelburne has worked hard to create a vibrant business community and vibrant residential community, and create rules and regulations to create an appropriate buffer. The application has been verbally modified via letter and now there is a subdivision application on the same property. The development was a PUD originally. Credits for parking and circulation were based on overall density of the master plan. The DRB is urged to recognize the majority of residents of The Gables are not present though this is not a retirement community, the food service operation was foreseeable, and locating Fiddlehead at the back of the facility was a choice of the developer and the tenant, and that is not fair to the residents.

Norm Blais asked Mr. Hinsdale if the café was in place with operating hours until 6 PM when Nancy Hinsdale purchased her unit at The Gables. Clark Hinsdale said his mother purchased her unit in 1999. The original agreement with the applicant was the café would be located on the west side of the parking lot. Norm Blais asked if Nancy Hinsdale made the decision to remain living at The Gables because she relied on the 6 PM café closing time not changing. Clark Hinsdale said that is why The Gables entered into an agreement with the applicant in 2014 and his mother wants to continue to live at The Gables and enjoy the grounds.

Peter Raymond said the Stowe Club decision was addressed several hearings ago and there are no restrictions to placing the café in the location. The only change with the café is a shift in operating hours.

David Stewart, The Gables, said in the Findings of Fact and Notice of Decision for 2014 Finding #7 says any food service activity may operate between 6 AM and 6 PM, Monday through Sunday, and shall not operate in Buildings 8, 7, 12 or east of the western edge of the north-south drive parking area.

Preliminary Plan\Site Plan, Modify Conditions of Approval, 120 Graham Way, Shelburne Green, LLC (SUB13-02R3)

MOTION by Mark Sammut, SECOND by David Hillman, to continue review of SUB13-02R3, application by Shelburne Green, LLC to modify conditions of approval for 120 Graham Way, until March 6, 2019. VOTING: unanimous (4-0); motion carried.

Jeff Pauza and John Day returned to the DRB. Jeff Pauza facilitated the meeting.

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 appeared on behalf of the application.

STAFF REPORT

The DRB received a staff memo on the application, dated 2/6/19. Ravi Venkataraman noted receipt of written testimony from residents on Collamer Court about the swale on the northern portion of the property (email from Emile and Diane Fournier, 53 Collamer Court, dated 2/4/19 and email from Kate Fournier, 65 Collamer Court, dated 2/1/19).

APPLICANT COMMENTS

Andy Rowe said in light of the concerns expressed about runoff from the golf course by a resident on Webster Lane the applicant worked with Civil Engineering Associates and an agreement was made that the south pond would be expanded to increase retention and decrease discharge to threshold levels that are satisfactory. Plans were submitted 2/6/19. Regarding the comments from the residents on Collamer Court about the swale, between Preliminary and Final Plan review the DRB advised a diversion swale should be added on the northerly property line to catch runoff and direct water to the west away from Collamer Court (the swale is shown on the plans of 1/2/19). Following a meeting with the Fourniers, trees will be taken down for the swale only (15'-20' clearing width). The swale meanders through the woods to minimize taking down trees. The diversion swale is about 50' off the northerly property line. There is also a vegetative buffer to the south of the ditch.

Mark Sammut asked about the magnitude of the revised storm water proposal and the impact downstream. Andy Rowe said the peak discharge from the pond for a one year storm has not changed much. The cubic feet per second (cfs) of water flow for a 10 year storm decreased from 21 cfs pre-development to 5 cfs post-development. For a 25 year storm the decrease was 31 cfs pre-development to 9 cfs post-development and for a 100 year storm the decrease was 47 cfs pre-development to 22 cfs post-development. Mark

Sammut asked if more water is captured north of the south pond. Andy Rowe said the drainage area stays the same pre- and post-development.

PUBLIC COMMENT

Dave Marshall said the effort by the applicant to work with the downstream abutters to resolve runoff issues is appreciated. The design will achieve the goal.

DELIBERATION/DECISION

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

MOTION by Jeff Pauza, SECOND by Norm Blais, to finalize the record for the application by The Snyder Group, SUB16-02, for a 91 unit Residential PUD at 5760 Spear Street. VOTING: unanimous (6-0); motion carried.

MOTION by Jeff Pauza, SECOND by Mark Sammut, to direct staff to prepare a decision to indicate approval of the Final Plan for SUB16-02 prepared by Lamoureux & Dickinson Consulting Engineers, Inc. on behalf of The Snyder group, Inc. for a 91 unit Residential Planned Unit Development with the following conditions:

- 1. The Mylar must be recorded within 180 days of the signed approval of the decision pursuant to Shelburne Subdivision Regulations, Section 1050.**
- 2. A zoning permit is required prior to any land development pursuant to Shelburne Zoning Bylaws, Section 2010.1 and Shelburne Subdivision Regulations, Section 1120.**
- 3. Prior to the issuance of the first Certificate of Occupancy the pump station proposed in the site plan must be built according to the specifications identified by the Water Quality Superintendent pursuant to Shelburne Subdivision Regulations, Section 700.**
- 4. Prior to the issuance of any zoning permit the developer, their engineer, their contractor, Shelburne's Water Quality Superintendent or designee, and Shelburne Planning & Zoning staff shall conduct a pre-construction meeting that will also inform the developer and parties associated with the developer of the rules and notifications concerning inspections in all phases of construction pursuant to Shelburne Subdivision Regulations, Section 740.**
- 5. Pursuant to Section 730 prior to the issuance of a zoning permit the applicant is required to notify the Town Manager when the construction of the required improvements will begin so that the town can inspect during the construction process in order to assure satisfactory completion of improvements or stipulations required by the Development Review Board.**
- 6. Upon completion of the required work the engineer providing construction observations and inspections for the work shall certify to the town in writing that the work was completed in accordance with the approved plans prior to the issuance of the last Certificate of Occupancy pursuant to Shelburne Subdivision Regulations, Section 1140.**
- 7. Prior to the issuance of a zoning permit the developer is responsible for informing the Town Manager's Office of the name of the contractor who will be responsible for on-site installation, observations and inspections of the**

erosion prevention and sediment control work as specified in Section 1145 of the Shelburne Subdivision Regulations.

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

CU19-03\SP19-01: Conditional Use\Site Plan to expand a pre-existing nonconforming structure at 2689 Shelburne Road in the Mixed Use District and Stormwater Overlay District by NIMRAH, LLC

MOTION by Mark Sammut, SECOND by John Day, per the applicant's request to continue review of the application for 2689 Shelburne Road to March 6, 2019.

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

SP19-02: Site Plan to modify a previously approved lighting plan at 3708 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Shelburne Tractor, LLC

John Kerin, Kerin Signs, appeared on behalf of the application.

Submittals:

- Site Plan Review Application, received 1/28/19
- Lighting Plan prepared by Cross Consulting Engineers, PC, dated 3/16/10 and received 1/28/19
- RAB Brisk 12 All Pack Lighting cut sheets, received 1/23/19
- Drawing with proposed location of wall pack lighting, received 1/29/19
- Town of Shelburne Staff Report, dated 2/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/20/19. Ravi Venkataraman said the application is to correct the installation of lights without a permit that do not conform to the Shelburne lighting regulations. The proposed lighting is dark sky compliant and meets the town's regulations.

Exhibit B is a highlight of Section 1975.2.A (Fixture Design). Exhibit C is a highlight of Section 1975.4.A,B,C (Control of Light Trespass and Glare). Exhibit D is a highlight of a section of the regulations (Page 197) pertaining to security lighting fixtures being shielded and directed toward designated areas to be illuminated, not directed above a horizontal plane, include shields to prevent visibility from adjacent properties and roadways, and prohibit use of floodlight fixtures.

APPLICANT COMMENTS

John Kerin said the lights previously installed will be replaced. The LED fixtures will be replaced with compliant fixtures.

Jeff Pauza asked when the new lights will be installed. Mr. Kerin said with the approval of the application the lights will be installed in a month or sooner.

PUBLIC COMMENT

Carolyn Brown, neighbor behind Tractor Supply, said Terry Cavanaugh with the Vermont section of the International Dark Sky Association was contacted about the lights at Tractor Supply (a copy of the email from Terry Cavanaugh was submitted for the record and marked “Exhibit A”). Shields were put on the lights in the parking lot and new lights were installed that do not meet the regulations. Another issue is drainage from the Tractor Supply property. When the building was constructed fill was brought in to the property which has caused runoff to flood adjacent properties that are lower than the plane of the Tractor Supply property.

John Day asked if lights that are compliant with Section 1975 of the regulations will address the concerns of the neighbors. Mark Sammut noted the lights will be downcast and not shine outward.

Kate Longmane, neighbor behind Tractor Supply, said the light leakage from the lights on the building is intense. Tractor Supply planted trees for screening, but many have not survived. Drainage has also been an issue. Ms. Longmane asked if the neighbors can be asked for a wall or a natural barrier. Jeff Pauza said there was a landscape plan for Tractor Supply. Complaints about the screening and runoff can be pursued with the town.

Shawn Sweeney, resident, asked if the lightbulbs to be used are dark sky compliant. John Day said if the lightbulbs meet Section 1975 of the regulations then they are dark sky compliant.

DELIBERATION/DECISION

Site Plan, Modify Lighting Plan, 3708 Shelburne Road, Shelburne Tractor (SP19-02)

MOTION by Jeff Pauza, SECOND by John Day, to finalize the record and close the hearing on SP19-02 to modify the lighting plan for 3708 Shelburne Road by Shelburne Tractor, LLC. VOTING: unanimous (6-0); motion carried.

MOTION by Mark Sammut, SECOND by John Day, to approve SP19-02, application by Shelburne Tractor, LLC to modify the lighting plan at 3708 Shelburne Road with the following conditions;

- 1. The applicant shall file a photometric plan and other materials confirming conformance with Sections 1975.4.D, 1975.6.C, and 1975.8 with the DRB Coordinator.**
- 2. A zoning permit is required prior to the installation of new lighting pursuant to Shelburne Zoning Bylaws, Section 2010.1.**
- 3. Pursuant to Section 1975.5 all lighting proposed and existing may be turned on no earlier than one hour before business and shall be turned off no later than 11 PM or one half hour after close of business whichever is later.**
- 4. The new lights shall be installed within 45 days following the approval.**

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

SUB12-04R4: Preliminary Plan for a two lot re-subdivision in a Mixed Use Planned Unit Development at 5059 and 5061 Shelburne Road in the Village Center District,

Village Core Overlay District, Village Design Review Overlay District, and Stormwater Overlay District by Shawn Sweeney

Shawn Sweeney appeared on behalf of the application.

Submittal:

- Cover letter dated 9/5/18 and, received 9/11/18
- Sketch Plan Review Application, received 9/11/18
- Statement indicating Professional Advisor, dated 9/5/18 and received 9/11/18
- Proposed Conditions Site Plan, received 9/11/18
- Preliminary Plan Review Application, received 12/31/18
- Site Plan Review Application, received 12/31/18
- Proposed Conditions Site Plan, received 1/2/19
- Comments from town departments per Shelburne Subdivision Regulations, Section 600(28)
- Shelburne Staff Report, dated 2/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/20/19. Ravi Venkataraman explained the proposal is to subdivide a .62 acre parcel into a .47 acre lot and .15 acre lot. The uses will be a business on one of the lots and multi-family residential on the other lot. Lot 1A has an existing carriage house. Having two different owners of the lots could be problematic with regard to water and waste water so staff is recommending a condition requiring separate water and sewer connections for the two lots.

APPLICANT COMMENTS

The applicant concurred with the recommendation on the waste water connections.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Preliminary Plan, Re-Subdivision, Two Lots, 5059 & 5061 Shelburne Road, Sweeney (SUB12-04R4)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record for SUB12-04R4 for re-subdivision at 5059 and 5061 Shelburne Road by Shawn Sweeney. VOTING: unanimous (6-0); motion carried.

MOTION by Mark Sammut, SECOND by John Day, to direct staff to prepare a decision that authorizes the applicant to prepare a Final Plan application for SUB12-04R4 by Shawn Sweeney for re-subdivision of 5059 and 5061 Shelburne Road with the following condition:

- 1. Pursuant to Shelburne Subdivision Regulations, Section 950, the current waste water connection is acceptable provided both parcels are under the same ownership, but if proposed Lot 1 and Lot 1A are to be owned by two different entities at any time a direct sewer connection to proposed Lot 1A**

must be established prior to any transfer in ownership, and such language must be included in the deed and final plat associated with SUB12-04R4.
VOTING: unanimous (6-0); motion carried.

SUB12-07R4\CU99-24R5\SP93-01R3: Preliminary Plan\Conditional Use to expand an existing use and Commercial Planned Unit Development at 3328 Shelburne Road located in the Mixed Use District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by The Automaster, LLC

Abigail Dery appeared on behalf of the application.

Submittals:

- Cover letter prepared by Trudell Consulting Engineers, received 5/18/18
- Sketch Plan Review Application, received 5/18/18
- General Application Form, received 5/18/18
- Property Owner Authorization Form, received 5/18/18
- Parking Summary Table, received 5/18/18
- Dimensional Requirements Table, received 5/18/18
- Comments from town departments pursuant to Shelburne Subdivision Regulations, Section 610(13), received 12/20/18
- Site Plans, received 5/18/18
- Cover letter prepared by Trudell Consulting Engineers, received 11/14/18
- Preliminary Plan Review Application, received 11/14/18
- Conditional Use Review Application, received 11/14/18
- Site Plan Review Application, received 1/14/19
- Stormwater Narrative prepared by Trudell Consulting Engineers, received 11/14/18
- Parking Table prepared by Trudell Consulting Engineers, received 11/14/18
- Plantings List prepared by Trudell Consulting Engineers, received 11/14/18
- Site Plans, received 11/14/18
- Comments from various town departments
- Shelburne Staff Report, dated 2/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/20/19. Ravi Venkataraman said the application is to increase the vehicle storage area by 24,978 s.f. and add 139 parking spaces for vehicle inventory and remove 28 spaces for public use. The landscape plan is appropriate. Staff would advise requiring a bond or security for landscaping and that the DRB ask about the decrease in public use parking.

APPLICANT COMMENTS

Abby Dery said a half-acre of gravel is being added. There is no change to lighting. Storm water will be directed to the existing storm water pond which has enough capacity. The site has a storm water permit. One hundred eleven inventory parking spaces will be added.

Jeff Pauza asked about handicap parking and bike parking. Abby Dery said there are no changes to the plan. Changes will be made in the back of the building within the gravel area. There is a decrease of 28 regulatory spaces and an increase of 111 inventory spaces.

Mark Sammut asked if the property is in compliance for parking. Abby Dery said yes.

PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, suggested pre-emptive steps be taken to improve storm water treatment on-site given the increased frequency of 100 year storms and the proximity to Monroe Brook which is an impaired waterway. Higher than normal standards are requested. Permits should be current and comply with the regulations in place when the development is done. There should be mechanical filtration of petroleum products. Abby Dery said there are two prior storm water permits under the 2002 rules. The state does not have a mechanism to renew the permit as yet. The permits are expired, but still valid. There will be future storm water permitting requirements through the state for the site. Once new state standards are adopted three acres or more of impervious surface must meet the new state storm water standards.

DELIBERATION/DECISION

Preliminary Plan\Conditional Use, Expand Existing Use, 3328 Shelburne Road, The Automaster (SUB12-07R4\CU99-24R5\SP93-01R3)

MOTION by Jeff Pauza, SECOND by John Day, to finalize the record for SUB12-07R4\CU99-24R5\SP93-01R3 for 3328 Shelburne Road by The Automaster.

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

MOTION by Jeff Pauza, SECOND by John Day, to direct staff to prepare a decision that indicates approval of CU99-24R5 (Conditional Use) and SP93-01R3 (Site Plan Review), and authorize the applicant to prepare a Final Plan application for SUB12-07R4 with the following conditions:

- **Final plans must include indications and figures for handicapped parking and bicycle parking pursuant to Sections 1960.3 and 1960.4.**
- **Prior to the issuance of any zoning permits in relation to the approvals the applicant must provide a landscaping bond or alternative line of credit pursuant to Section 1930.7**

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

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Jeff Pauza, SECOND by John Day, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 9:28 PM.

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