

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 21, 2018**

- MEMBERS PRESENT:** Mary Kehoe (Chair); Mark Sammut, Jeff Pauza, Lisa LaMantia, Jeff Hodgson, Joanna Watts. (Ian McCray was absent.)
- STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator; Dean Pierce, Planning Director; Joe Colangelo, Town Manager.
- OTHERS PRESENT:** Laval Thibaleu, Kevin Clayton, David Stewart, Ives Bradley, Norm Stanislos, Peter Raymond, Joe Roberts, Karl Marchessault, Al Nevins, Matt Cohen, Sarah Myers, Jeremy Matosky, Stephen Selin, Lynn McDonald, Marie Mindell, Marla Keene, Chris Hakey, Ruth Hagerman, Lisa Merrill, Jeff Zweber, Peter Gibbs, Rosalyn Graham, Cathy Townson, Andrea Kerz-Murray, Megan Nedzinski.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (1/17/18)
4. Applications
 - Amend Commercial PUD, Combine Buildings & Extend Hours of Operation, 6221 Shelburne Road, J. Graham Goldsmith Architects (SUB13-02R3)
 - Conditional Use\Site Plan, Expand Nonconforming Use, 5288 Shelburne Road, 5288 Real Estate, LLC (CU04-15R1\SP04-05R1)
 - Amend Commercial PUD, New Building & Site Modifications, 3328 Shelburne Road, The Automaster (SUB12-07R3)
 - Amend Commercial PUD, Self-Storage Buildings, 3933 Shelburne Road, Roberts (SUB12-05R1)
 - Preliminary Plan, Library & Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05)
 - Conditional Use\Site Plan, Two Single Family Dwellings, 236 High Acres Farm Drive, Amanda Herzberger/Jonathan Harris (CU17-15\SP17-07)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Mary Kehoe called the meeting to order at 7 PM. Mary Kehoe announced she will recuse herself for the Goldsmith application (SUB13-02R3). Mark Sammut announced he will recuse himself for the Roberts application (SUB12-05R1).

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

January 17, 2018

MOTION by Mark Sammut, SECOND by Jeff Pauza, to approve the minutes of 1/17/18 as written. VOTING: 5 ayes, one abstention (Mary Kehoe); 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.

SUB13-02R3: Amendment of Commercial PUD and written conditions of approval to combine Buildings 1, 5, 6 to allow for construction of a 30,000 s.f. building and to change the café hours of operation to 10 AM–10 PM at 6221 Shelburne Road by J. Graham Goldsmith Architects

Ives Bradley, Norm Stanislos, Al Nevins, Peter Raymond, and Matt Cohen appeared on behalf of the application. Mary Kehoe recused herself.

Submittals:

- Letter of Transmittal, received 11/20/17
- General Information Application, received 11/20/17
- Sketch Plan Review Application, received 11/20/17
- Comprehensive Plan Compliance document, received 11/20/17
- Project Description document, received 11/20/17
- Site Improvement and Landscaping Plan, received 11/20/17
- Overall Site Plan, received 11/20/17
- Site Plan, received 11/20/17
- Phase I Water and Sewer As-Built Plan, received 11/20/17
- Response to comments, dated and received 1/31/18
- Gables Condominium Association letter, dated 12/11/17 and received 12/11/17
- Gables Association Interest Party Status, received 1/12/18
- Findings of Fact and Notice of Decision SUB13-02
- Findings of Fact and Notice of Decision SUB13-02R1
- Stowe Club Highlands
- Staff Reports prepared for 12/21/17, 1/17/18, 2/7/18 (cancelled) DRB meetings
- Questions for application prepared by Director of Planning & Zoning, Dean Pierce, received 1/17/18
- Memorandum prepared by Director of Planning & Zoning, Dean Pierce, received 1/31/18
- Memorandum prepared by Director of Planning & Zoning, Dean Pierce, received 2/14/18
- Town of Shelburne Staff Report, dated 2/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 2/21/18.

APPLICANT COMMENTS

Ives Bradley reported the meeting with the Director of Planning, Dean Pierce, did not provide the clarity being sought on the ordinance. It is still felt the requested change to the size of the building and the operation are changes to the permit, but the 2500 s.f., food service is within the permit as written. Peter Raymond added more dialogue with the town departments is expected.

Dean Pierce commented that it is uncommon for an applicant's counsel to swear in. To do so will allow answers to questions on the letter to be used as evidence. Peter Raymond explained he swore in so the record would show he was duly sworn. Dean Pierce asked Mr. Raymond if he was present at the first hearing when it was explained the hearing was on-the-record. Mr. Raymond confirmed he understands the meaning of on-the-record. Dean Pierce asked if the letter provides legal argument and factual evidence to the questions. Mr. Raymond said not legal argument, but the letter is due to the lack of clarity on the elements and definitions. Dean Pierce asked to point out factual elements in the letter. Mr. Raymond said the letter provides representations on behalf of Shelburne Green of where they are in the process at this point in time. Dean Pierce asked if it is felt the lack of clarity is in the ordinance or the application. Ives Bradley said they do not have a position on this. There is vagueness in the language and that is where the clarity was being sought. Dean Pierce stated it appears there is more lack of specificity and ambiguity in the application, not the ordinance.

Dean Pierce noted the applicant sought review using a Final Plan application (one step review process) in mid-September and there was an email exchange from that (copies of the information were provided to the DRB by Mr. Pierce). Offer was made to Graham Goldsmith to meet on 2/17/18 to answer questions on the application, but a response was not received. Mr. Pierce said the question is whether the café would have been included if the application was filed in September. The first email from the applicant was dated 9/22/17 and was for a Final Plan application. Dean Pierce highlighted the following:

- The application could have been presented in September with one hearing, but now the applicant position is it is too soon.
- Vermont law governing alcohol licenses has four categories. Class 4 is for malt manufacture. Fiddlehead has a Class 4 license. Class 4 license does not have a food service requirement, but does allow sale of samples and sealed containers. An email from Martin Provost with the State Dept. of Enforcement & Liquor Control confirms this.

Mr. Pierce submitted documents identifying speakers, testimony, dates of meetings, and issues raised by the testimony, and noted that on December 20, 2107 Graham Goldsmith said the same hours of operation will be shifted to a time that could be utilized for dinner usage, but later testimony contradicts this by saying there will be the minimal amount of food required by state law for the licensure. Also, there is a letter from the attorney for the applicant saying it is premature to answer questions about food service, but Ives Bradley testified it is fair to ask and have better certainty.

Dean Pierce submitted the following for the record:

- Emails of previous staff correspondence going back years and showing concerns by staff about reliance on accessory uses to get what is being sought.
- Copies of the appropriate bylaws.
- Bylaw Change Report for amendment in 2013 that narrowly increases opportunity for a restaurant in the district.
- Email from Dean Pierce to Graham Goldsmith offering a meeting on 2/17/18.

MOTION by Mark Sammut, SECOND by Lisa LaMantia, to accept into the record Exhibits A-J. VOTING: unanimous (5-0); motion carried.

Jeff Pauza stated the concern is following guidance for a café as an accessory use versus becoming a destination restaurant. The current regulations do not allow a restaurant in this development. Mr. Pauza asked if there are clear guidelines on what defines an accessory use such as a café. Dean Pierce said there are multiple definitions in the regulations. Joanna Watts said the café must be an accessory use. Jeff Hodgson said if the café serves people in the PUD then the café is an accessory use. Dean Pierce interjected the public is not prohibited from using the café. Matt Cohen said Fiddlehead holds a Class 4 license for 6305 Shelburne Road, but the area under discussion will have a Class 1 license in order to sell pints and a food component is needed

Jeff Hodgson asked if hours of operation in the district are always a condition of approval. Dean Pierce said the case grew out of concern for impact the use could have. The hours for the café are as accessory. Peter Raymond clarified the application is for 2500 s.f. of food service use. The regulations allow 1500 s.f. accessory to each tenant and 2500 s.f. to the PUD and that is what the application is proposing to use. A Class 1 license is for the brewery tasting café space. Regarding the applicant's response to Mr. Pierce's offer for a meeting, the meeting was on a holiday weekend and the applicant was aware the hearing was upcoming. Also, based on the last meeting with Mr. Pierce there were still disagreements. Dean Pierce said he interpreted the lack of response to the

meeting by Mr. Goldsmith as the applicant essentially saying the questions have been answered.

Kait Mitchell clarified accessory use by noting each tenant in the PUD can have 20% for retail or accessory up to 1500 s.f. The entire PUD is capped at 2500 s.f. for accessory food service use. Mark Sammut observed the applicant is using all the space with the application currently before the DRB. Peter Raymond said their position is the applicant is using 2500 s.f. for the PUD, but each tenant is still allowed up to 1500 s.f. for accessory use.

Jeff Pauza asked if selling pints is considered an accessory use. Matt Cohen said Fiddlehead is manufacturing and selling beer for distribution. Selling pints is a small part of the business and is accessory.

PUBLIC COMMENT

David Stewart, The Gables, said concern of the residents at The Gables is the change requested by the applicant changes the complexion of Shelburne Green from a quiet complex closing at 6 PM into an operation into the evening hours. The residents feel this is a material change in use. The location of the tasting room nearly abuts The Gables and the residents are sensitive to noise. The decks of many units face Shelburne Green. There is also concern about what other changes may occur in the next few years.

Sarah Myers, The Gables, echoed that the hours of operation are a concern. Jeff Pauza asked if the residents have resolution on the tree plantings. Ms. Myers said they have, but whether the trees will screen the lights will not be known until the trees grow taller. Matt Cohen stated whether there is a café or not there will be lights at Fiddlehead which can manufacture 24 hours a day, seven days a week.

Mark Sammut asked the hours of operation for other businesses in the park. Ives Bradley will get the information. Some of the businesses may have longer hours of operation during their busy season and some businesses may offer evening classes.

Lynn McDonald, The Gables, asked about the increase in parking spaces to 300. Norm Stanislos said the number of parking spaces has not changed from the original site plan.

Laval Thibaleu, The Gables, said hours of operation after 8 PM are less tolerable. Noise is a significant factor for residents at The Gables. Matt Cohen said Fiddlehead runs a business that conforms to the Dept. of Liquor Control regulations and the law. The café will not be a bar. People will not be allowed to overconsume alcohol. Norm Stanislos said a sound engineer was employed to measure noise because Graham Goldsmith had

the same questions and concerns as the residents at The Gables. The results of the noise study was that there is a decibel level of noise with the windows open and the windows closed, and the information was positive regardless. Ways to mitigate noise were also investigated, such as berm, and the plantings that were promised will be done.

Mark Sammut noted the DRB has received the noise study information referred to by Mr. Stanislos so the testimony by Mr. Stanislos is about information provided by someone else. Mark Sammut asked about the long term zoning of the Snelling property. Dean Pierce said the property has been in Commerce & Industry since the 1970s.

Joanna Watts asked about the shift in hours of operation. Dean Pierce said the hours change is significant. If the application were to be limited to a change in the building configuration there likely would be no issues, but the shift in hours is entwined with activity which is not the definition of accessory use, especially when evening oriented.

Mark Sammut asked if the tasting room and sales will move to the new location. Matt Cohen said they will, but there is still four years left on the lease of the other building which will continue to be used for manufacturing and warehousing. Presently the tasting room closes at 9 PM. Folino's closes at 9 PM as well.

Steve Selin spoke of the substitution of evergreens for a berm for sound mediation and trees not being effective at mitigating sound. Mass is needed. Mark Sammut said there is a limitation in Act 250 for slope that prevents a berm. Norm Stanislos added the site engineer, CEA, said the Act 250 permit and regulation with prime ag soil means the slope cannot exceed 7% so for a four foot high berm the width would have to be 150' so a berm made no sense to build. The intent of the evergreens is to assist The Gables in blocking the view of the site from the units. The trees to be planted are fast growing (two foot per year). The building will be green with grey roof.

Peter Raymond stated Shelburne Green hears Dean Pierce's position, but disagrees with the conclusion drawn on the definition of accessory use in the regulations.

There were no further comments.

DELIBERATION/DECISION

Amend Commercial PUD, Combine Buildings & Extend Hours of Operation, 6221 Shelburne Road, J. Graham Goldsmith Architects (SUB13-02R3)

MOTION by Mark Sammut, SECOND by Jeff Hodgson, to classify SUB13-02R3, amendment to the Commercial PUD at 6221 Shelburne Road by J. Graham Goldsmith, as a Major Subdivision. VOTING: unanimous (5-0); motion carried.

MOTION by Mark Sammut, SECOND by Joanna Watts, to finalize the record and close the hearing on SUB13-02R3, amendment to the Commercial PUD at 6221 Shelburne Road by J. Graham Goldsmith. VOTING: unanimous (5-0); motion carried.

The DRB will deliberate the application and the evidence received. Mary Kehoe returned to the DRB.

CU04-15R1\SP04-05R1: Conditional Use and Site Plan to expand Village Wine and Coffee at 5288 Shelburne Road in the Village Center District and Village Design Review and Village Core Overlay districts and to seek approval for parking area at 5332 Shelburne Road (Marcotte property) by 5288 Real Estate, LLC

Kevin Clayton and Steve Selin appeared on behalf of the application.

Submittals:

- Property Owner Authorization, dated 12/28/17
- Site Plan Review Application, received 12/26/17
- Conditional Use Review Application, received 12/26/17
- Shared parking letter prepared by Jim Marcotte, dated 12/9/17
- Existing conditions aerial, received 12/26/17
- Site Plan, received 12/26/17
- Floor Plan, received 12/26/17
- Entry Room Plan, received 12/26/17
- 2004 WW Permit, received 2/14/18
- Updated Site Plan prepared by Civil Engineering Associates, received 2/13/18
- Zoning Bylaws, Section 1910, provided by applicant, received 2/14/18
- Shared parking letter prepared by applicant, received 2/14/18
- Parking Lease Agreement, received 2/14/18
- Proposed signage prepared by applicant, received 2/14/18
- Cover letter to DRB prepared by applicant, received 2/14/18
- Letter addressing staff comments prepared by applicant, received 2/14/18
- Former kitchen permit, received 2/14/18
- Wine Retail Plan prepared by Selin+Selin Architecture, received 2/14/18
- Existing conditions photos included by staff, received 2/14/18
- Town of Shelburne Staff Report, dated 2/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 2/21/18.

APPLICANT COMMENTS

Kevin Clayton explained the plan to have retail in the space formerly occupied by Patina at the front of the building and educational events at the back of the building. The business has a Class 1 & 2 license and waste water capacity, but needs more parking (have 20 spaces presently, but need 28 spaces per the regulations). There is available public parking nearby. The regulations allow a 50% decrease in parking in the village overlay district.

Kait Mitchell explained the village core overlay provides for a 50% decrease in parking rather than 30%, but the application was not submitted under that provision because the project is not redevelopment. The site does not fall in the overlay. Kevin Clayton said the ordinance is difficult to navigate and the information is not upfront. The coffee shop business is vital to the town and the parking is needed.

Mark Sammut asked the position of VTrans with regard to the right-of-way. Kevin Clayton said discussion continues about a bike rack and cars parking along Route 7. It would be helpful to have signs posted pointing to nearby public parking. Sandwich signs saying “No Parking” will be set up next to the sidewalk. Mark Sammut suggested asking VTrans about posting a sign on the opposite side of Route 7 that says “No Left Turn” for cars exiting the parking area, and adding yellow cross-hatch on the sidewalk so cars do not park there.

Jeff Hodgson asked if the parking area by the neighbors is gravel. Kevin Clayton confirmed this so the area cannot be paved and striped.

Mary Kehoe asked about the parking needs with 25 seats at the coffee shop and patronage at the wine store as well as wine tastings. Kevin Clayton said the tasting events are in the evening when the coffee shop is closed so parking is available. Mary Kehoe asked if there will be a separate entrance to the wine shop. Kevin Clayton said this will be done. The wine shop can also be accessed from inside the building. This can be closed off when necessary. Kait Mitchell said per her calculation 25 to 27 parking spaces are needed. Also, the lease is one year with option for four years. Mary Kehoe pointed out a five year lease is needed in order to grant a parking waiver unless the option rests solely with the lessee. There is agreement the coffee shop is the center of town and the wine operation does not conflict, but the parking lot is crowded.

Steven Selin said if the application is considered under the village core overlay then the 50% decrease can apply so the lease with Marcotte would not be needed. Kait Mitchell said the application would have to be done under the overlay and there is a parking

demand for the six spaces on the Marcotte lot. Steven Selin stressed the regulation is there to promote economic activity in the village core and this should apply in this case. Mark Sammut pointed out the DRB still must decide whether to grant the parking waiver, and based on the demand for parking now the waiver may not be granted. Mary Kehoe added even though the coffee shop is an integral part of town the rules must be followed. The rules are designed to promote safety. A 30% waiver based on a five year transferable lease may be more likely.

Jeff Hodgson said striping in front of the business to deter parking is a good idea. The neighbor (Marcotte) should be encouraged to pave the parking spaces.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Site Plan, Expand Business, 5288 Shelburne Road, 5288 Real Estate, LLC (CU04-15R1\SP04-05R1)

MOTION by Jeff Pauza, SECOND by Mark Sammut, to finalize the record for CU04-15R1\SP04-05R1 to expand the business at 5288 Shelburne Road by 5288 Real Estate, LLC. VOTING: unanimous (6-0); motion carried.

MOTION by Jeff Pauza, SECOND by Lisa LaMantia, to close the hearing and direct staff to prepare a decision to indicate approval of CU04-15R1\SP04-05R1 to expand the business at 5288 Shelburne Road by 5288 Real Estate, LLC with the following conditions:

- 1. A zoning permit shall be required prior to any structural improvements being made.**
- 2. Any proposed signage will require a sign permit.**
- 3. A signed five year lease transferable agreement with Norman and Rita Marcotte will be required with any zoning permit application.**
- 4. All parking spaces shall be paved prior to the expiration of the zoning permit.**
- 5. The applicant shall provide an interior layout plan for the expanded coffee shop use with any zoning permit application.**
- 6. Only those changes presented with the application have been approved and any additional changes may require review.**
- 7. The applicant shall send a letter to Jim Clancy, VTrans, regarding a “No Left Turn” sign on the east side of Route 7.**
- 8. The applicant shall do striping as depicted on the site plan (i.e. cross-hatching between the sidewalk and Route 7).**

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

SUB12-07R3: Amend Commercial PUD with the addition of a new building, parking expansion, landscaping, lighting, adjustment to an existing access easement, and other minor site modifications at 3328 Shelburne Road in the Mixed Use District, Floodplain and Watercourse Overlay District, Lakeshore Overlay District, and Stormwater Overlay District by The Automaster, LLC

Jeremy Matosky appeared on behalf of the application.

Submittals:

- General Information Application, date stamped 1/24/18
- Sketch Plan Application, date stamped 1/24/18
- Sketch Plan Set prepared by Trudell Consulting Engineers, titled “The Automaster 3328 Shelburne Road, Shelburne, Vermont”, date stamped 1/24/18
- Town of Shelburne Staff Report, dated 2/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 2/21/18.

APPLICANT COMMENTS

Jeremy Matosky explained the plan was before the DRB in January 2016 and approval of the Sketch Plan is again requested so Preliminary Plan application and the engineering can be done for the last phase of the development on the campus for a Honda dealership. The changes are to comply with Honda requirements for the facility. The building size is likely to be 25,000 s.f., but the application is for 30,000 s.f. since the final building size is not yet known. Mr. Matosky described the proposed changes to the parking lot and the circulation on the site.

Mary Kehoe asked about parking in front of the building. Mr. Matosky said the boulevard entrance to customer parking at the building is separate from the inventory of cars on the lot. Service parking is in back of the building.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Amend Commercial PUD, New Building & Site Modifications, 3328 Shelburne Road, The Automaster, LLC (SUB12-07R3)

MOTION by Mary Kehoe, SECOND by Mark Sammut, to classify the Sketch Plan application, SUB12-07R3, for 3328 Shelburne Road by The Automaster as a Major Subdivision. VOTING: unanimous (6-0); motion carried.

MOTIN by Mary Kehoe, SECOND by Lisa LaMantia, to finalize the record, close the hearing, and authorize the applicant for SUB12-07R3 to prepare a Preliminary Plan application. VOTING: unanimous (6-0); motion carried.

SUB12-05R1: Amendment to Commercial PUD with six self-storage buildings at 3933 Shelburne Road in the Mixed Use District, Stormwater-Impaired Watershed Overlay District, Floodplain and Watercourse Overlay District by Mike and Lynn Roberts

Karl Marchessault with O’Leary-Burke appeared on behalf of the application. Mark Sammut recused himself.

Submittals:

- Cover letter prepared by O’Leary-Burke Civil Associates, PLC, received 1/26/18
- Final Plan (Plat) Application, received 1/26/18
- Email from Police Chief, Aaron Noble, received 1/30/18
- Existing conditions photos (apple trees), received 1/26/18
- Landscaping Escrow Agreement sample, dated 1/15/18 and received 1/26/18
- Site Plan prepared by O’Leary-Burke Civil Associates, PLC, last revised 1/25/18 and received 1/26/18
- Abutters list
- Details (Sheet 2) prepared by O’Leary-Burke Civil Associates, last revised 1/26/18 and received 1/26/18
- Town of Shelburne Staff Report, dated 2/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 2/21/18.

APPLICANT COMMENTS

Karl Marchessault said four 20’ wide buildings are proposed to the south and two buildings are proposed to the north. The storm water feature will be upgraded. The southern boundary has been verified. Grading will be done to ensure the flow of water to the swale that will be enlarged for the extra impervious surface. An assessment of the health of the existing landscaping was done (report submitted to the town) and some trees have grown 12”. An additional 79 cedar trees will be planted to augment the existing trees for screening.

Mary Kehoe asked why the pads on the south side of the site are more narrow than others. Karl Marchessault said the pads are narrower because there is no access to the back of the structures. The neighbors will see the backs of the buildings. Mary Kehoe asked about failed trees. Karl Marchessault said some trees have not matured well and are small, but over time will grow. The additional 79 cedars will be 6' tall and planted four foot on center making a dramatic change to the screening. The buildings are existing and will not progress farther east.

Jeff Pauza asked for clarification on the landscaping. Karl Marchessault said 79 cedars will be planted in back of the existing trees that are growing well now. Jeff Pauza asked about drainage. Karl Marchessault explained a 5' drainage way will be graded to direct water flow.

PUBLIC COMMENT

Marla Keene, 331 Longmeadow, asked if the grading for the school right-of-way will be flattened out as part of this project. Karl Marchessault said no. Ms. Keene said there is correspondence between O'Leary-Burke and Shelburne Police about a gate. The gate was never installed per the plan. The police were asked if a gate was needed and the police said no. but did not oppose a gate either. The gate should be a condition of approval. Also, in the last few months farm equipment has been stored on the property. There is a trailer and some debris as well. The concern is outside storage will increase. Mary Kehoe said debris is an enforcement issue and the town should be notified. Karl Marchessault said the police were consulted about the gate and the police said a gate will inhibit patrol of the area. There have been 18 calls to the police over the past 18 years so the property is not problematic for the police. Security cameras monitor the site. Regarding outside storage, there is no exterior storage to the buildings.

Lisa LaMantia noted the original approval calls for a gate. Joanna Watts pointed out correspondence says the police agree open access is easier for general patrols. Kait Mitchell said the gate was to prevent people from coming/going at odd hours and is not so much about the facility itself.

There were no further comments.

DELIBERATION/DECISION

Amend Commercial PUD, Self-Storage Buildings, 3933 Shelburne Road, Roberts (SUB12-05R1)

MOTION by Mary Kehoe, SECOND by Jeff Hodgson, to finalize the record and close the hearing for SUB12-05R1, amendment to the Commercial PUD with self-

storage buildings at 3933 Shelburne Road by Lynn and Mike Roberts. VOTING: unanimous (5-0); motion carried.

MOTION by Mary Kehoe, SECOND by Joanna Watts, to direct staff to prepare a decision indicating Final Plat approval of SUB12-05R1, amendment of a Commercial PUD at 3933 Shelburne Road by Lynn and Mike Roberts, with the following conditions:

1. The Mylar shall be recorded in the Shelburne Land Records within 180 days of the signed approval.
2. The applicant shall prepare a landscaping escrow agreement in the amount of \$12,640 for a period of two years and the document shall be approved by the Town Attorney and recorded in the land records prior to issuance of any zoning permits.
3. Prior to expiration of the landscaping escrow agreement the applicant shall submit a written document prepared by a qualified professional stating that all trees planted are healthy and do not require replacement.
4. A Certificate of Occupancy shall be required.
5. All plantings shall be installed prior to the issuance of any approval of a Certificate of Occupancy.

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

Mark Sammut returned to the DRB.

SUB17-05: Preliminary Plan Review for a proposed Mixed Use Planned Unit Development (PUD) to include reconstruction of the library and renovation to Town Hall and upgrades to the municipal campus including changes to circulation, parking, storm water facilities at 5376, 5420, 2141, 2137, 5404 Shelburne Road in the Village Center District, Village Design Review, Village Core, and Stormwater Overlay Districts by Town of Shelburne

Andrea Murray with Vermont Integrated Architecture appeared on behalf of the application.

Submittals:

- Transmittal, received 12/31/17
- 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
- Staff Report prepared for January 1, 2018 DRB meeting
- Site Plan Application
- Preliminary Plan Application
- Project Review Sheet
- Department comments
- ANR Map
- Shared Parking Analysis prepared by Lamoureaux & Dickinson, dated 8/26/03
- Shared Parking Analysis prepared by Engineering Ventures, dated 1/29/18
- Plan Set prepared by VIA and Engineering Ventures, dated 1/30/18
- Context Map prepared by VIA

APPLICANT COMMENTS

Andrea Murray noted the following:

- Meetings have been held with all town committees and departments.
- Scale and massing of the project is in compliance with zoning codes, regulations and the town plan.
- Vehicle circulation is for passenger cars, fire trucks, and school buses.
- The driveway is three lanes wide.
- The plan shows access by the Quint fire truck as discussed with the Fire Department.
- Pedestrian circulation is from the library to the crosswalk in alignment with Town Hall. There is a pathway to the north of the site and to the west for schoolchildren.
- School buses can maneuver around the site as designed.
- A full parking analysis has been submitted. Parking has been reconfigured to provide more spaces. The area to the northwest accommodates the First Responder parking. There is parking behind the fire station, on the town offices side of the lot, at the end of the park, and extension of the SCHIP's parking. Sixteen spaces have been added. Parking for the library has doubled.
- The high water table prevents having a basement under the new building so a slab on-grade with drainage will be built.

- New plantings will be done for landscaping. The Tree Advisory Committee will be involved with species selection and tree size. Two storm water areas will be rain gardens and there is a planted treatment area. A rendering will be provided to the DRB. Work continues to decrease the size of the storm water treatment area on the south as the numbers are finalized.
- The bike rack will be located under the entrance canopy on the west side of the library building.
- The terrace has been moved out of the setback.
- The memorial bench has been relocated to a more desirable area.
- Site lighting will be maintained with as many existing features as possible especially in the northwest parking lot. There will be a series of bollards along the walkway, by historic town hall, and on the west side of the building.
- Storm water management for the entire municipal campus is being accommodated.

Peter Gibbs, Engineering Ventures, said the storm water application to South Burlington and the State of Vermont has not yet been submitted. The site is very flat and as the impervious area is changed the storm water model changes which results in the application being changed. The application is close to being finalized and submitted. No issues with permitting are anticipated. VTrans has informally indicated the proposal for the entrance off Route 7 is an improvement by adding a second exit and improving the geometry. No issues are anticipated and the application will be submitted to VTrans soon.

Jeff Hodgson suggested the Quint fire truck access the fire station from the back which will open the lot to more parking. Also, people accessing the town offices will likely cross the middle of the lot so having a sidewalk in front of the fire station may be good. Andrea Murray said the layout allows people to walk to the central circle when crossing the lot. The Fire Department had concern about the presence of pedestrians with fire trucks existing the station in an emergency. Jeff Zweber, Engineering Ventures, said the turning movements of the Quint truck were modeled with the assistance of the Fire Dept. and the layout is the consensus to accommodate the needs of the Fire Dept. and the project.

Jeff Hodgson also asked about the following:

- Signage on the building façade - Andrea Murray said there will be signs at the building entrances. A directory sign has been discussed for the island in the parking lot.
- Depth of water in the storm water facilities before infiltration - Jeff Zweber said less than three feet. Storage is temporary and more likely will be less than 12”

- deep. A one inch storm will infiltrate through the gravel to a sub-base system then into the storm water system. Overflow will not occur until a 10-year storm.
- Painted crosswalks - Andrea Murray said there will be striped cross-hatch. The crosswalk by Route 7 may be pressed pavement.

Lisa LaMantia asked about access to the bus stop on Shelburne Road. Andrea Murray said the bus stop is in the same location. There are crosswalks and a pathway to the bus stop. Buses from the school and senior facilities can drop off in front of the library building.

Mary Kehoe asked about the orientation of the library and the main entrance. Andrea Murray said there are two entrances. The library entrance on the south is a shared entrance to the historic town hall, community living room, and the library. Mary Kehoe asked which entrance is the focal point of the library, and suggested making more of a statement with the door (i.e. larger door). Andrea Murray said the entrance to the west is where a majority of the parking is located. The entrance will be well lighted and have architectural language saying 'entrance'. New visitors may end up using the south entrance at first. Mary Kehoe asked if the building will use alternative energy. Andrea Murray said the building meets Energy Vermont net zero energy for new construction. The infrastructure will be in place for solar panels on the roof to power the facility. The building will be electric with natural gas heat in the historic town hall as back up.

Mary Kehoe suggested installing a sidewalk parallel to the entryway to the site from Route 7. Andrew Murray said this can be reviewed.

Mark Sammut mentioned having a light on the north corner of the entrance by Route 7 which is very dark now. Andrew Murray said there are two existing lights and one on the north side. There will be bollards on the south side of Town Hall and under the canopy entrance to the historic town hall. The corner by Route 7 can be reviewed.

PUBLIC COMMENTS

Steven Selin, resident, said the design is responding to the constraints of the site. The driveway is very large (three lanes) and a danger to pedestrians. It is not inviting to walk across. The building design should not be done with a sign saying the entrance is in the back of the building. Having two entrances to the building is problematic. The library does not seem to have a presence in the design and should be seen from Route 7, not with the back door to Route 7. People will think the back door is the front door. The terrace room facing Shelburne Road on the north side of the building and adjacent to the Marcotte showroom is not inviting with the traffic on Shelburne Road and the dark space of the building. The goal is to enliven the space. The problem with the site seems to be

the Fire Department and the maneuvering needs of the large trucks. Parking for rescue takes up a lot of parking as well. Combining the fire station and rescue and relocating to another location should be considered. Andrew Murray mentioned the feedback from Mr. Selin would have been helpful to hear during the over 30 outreach events held in the past year and a half while the plan was being drafted. There are still steering committee and design meetings that are open to the public. Consideration has been given to what will happen on the site if the Fire Department relocates. Regarding the building entrances, the west entrance will address commuter rail service in the future. The building is viewed as having no back of the building. The terrace has been modified to allow sun and shade. The community living room has been pushed to the north to get sun. Noise from Shelburne Road is a reality of the site. The First Responder parking has been angled. Parking for the Fire Dept. can be angled as well to reduce the number of spaces needed. The Fire Dept. agreed to move the First Responder parking to the back of the fire station.

There was further discussion of the site. Jeff Hodgson said the island creates confusion to traffic flow. The island should be removed and the entryway narrowed. Mary Kehoe said the Quint fire truck should enter the fire station from the back. Andrea Murray said the Fire Dept. must agree with the plan before a Public Safety Permit is issued. The Fire Department has already agreed to the layout as presented. The Highway Department said the island is fine provided there is curbing around it. Jeff Zweber said the island provides a refuge for people walking across the lot. Pavement markers will help direct the flow of traffic. Mary Kehoe said a plan that must have a refuge for pedestrians is a concern.

Joe Colangelo, Town Manager, said the project has a time constraint relative to public financing. The consultants are trying to bring the project to fruition to save the taxpayers money. Andrea Murray added the bid climate is also a consideration. The goal is to go to bid in June with construction beginning in July. All permits must be in hand by the end of May. Every month of delay is up to \$40,000 in additional markups for bidding. The construction season is short in Vermont.

There were no further comments.

DELIBERATION/DECISION

Preliminary Plan, Library & Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05)

MOTION by Mary Kehoe, SECOND by Joanna Watts, to take the information received under advisement and deliberate. VOTING: unanimous (6-0); motion carried.

CU17-15\SP17-07: Conditional Use and Site Plan to build two single family dwellings for full time agricultural employees at 236 High Acres Farm Drive in the Rural District, Lakeshore Overlay, and Floodplain and Watercourse Overlay districts by Amanda Herzberger and Jonathan Harris

MOTION by Mary Kehoe, **SECOND** by Mark Sammut, to accept the withdrawal by the applicant of CU17-15\SP17-07, applications for 236 High Acres Farm Drive.
VOTING: unanimous (6-0); motion carried.

5. OTHER BUSINESS/CORRESPONDENCE

DRB Retreat

Mary Kehoe suggested the DRB hold a retreat after the elections in March.

Thanks to Mary Kehoe

Mark Sammut noted Mary Kehoe is running for Selectboard. The DRB publicly thanked Mary Kehoe for her service on the DRB.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, **SECOND** by Mary Kehoe, to adjourn the meeting.

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

The meeting was adjourned at 10:35 PM.

RScty: MERiordan