

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  
March 7, 2018**

**MEMBERS PRESENT:** Mark Sammut, Joanne Watts, Jeff Pauza, Lisa LaMantia, Ian McCray, Norm Blais. (Jeff Hodgson was absent.)  
**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator.  
**OTHERS PRESENT:** Linda Gribnau, Dave Marshall, Jacqueline Hoes, Harold Hoes, Rose Dubois, James Carroll, David Carroll.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (2/21/18)
4. Applications
  - Design Review, Fence, 622 Falls Road, Dubois (DR18-02)
  - Amend Site Plan, Modify Buildings and Utilities, 4188 Shelburne Road, Rice Lumber Company (SP17-04R1)
  - Amend Final Plan, Extend PUD Approval and Revise Phasing, 4188 Shelburne Road, Rice Lumber Company (SUB15-05R1)
5. Other Business
6. Adjournment

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Mark Sammut called the meeting to order at 7 PM and extended thanks to Mary Kehoe for her service, leadership, guidance, and advice on the DRB through difficult situations at times. Ms. Kehoe was congratulated on her election to the Selectboard for a three year term.

**2. PUBLIC COMMENT**

Mary Kehoe said it has been gratifying working with everyone on the DRB.

**3. APPROVAL OF MINUTES**

*February 21, 2018*

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to approve the minutes of 2/21/18 with correct to the spelling of “Yves Bradley”. VOTING: unanimous (6-0); 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.

**DR:18-02: Design Review for a four foot tall black aluminum fence in the rear yard at 622 Falls Road in the Village Residential District, Stormwater Overlay District and Village Design Review Overlay District by Michael and Rosemarie Dubois**

Rose Dubois appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application, received 2/14/18
- Site Plan depicting location of proposed fencing
- Catalog cut sheet of proposed fencing
- Photograph examples of proposed fence style
- Photographs of house and rear yard at 622 Falls Road
- Town of Shelburne Staff Report, dated 3/7/18

STAFF REPORT

The DRB received a written staff report on the application, dated 3/7/18.

APPLICANT COMMENTS

Rose Dubois explained they want to fence in the backyard for their two small dogs.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Fence, 622 Falls Road, Dubois (DR18-02)

**MOTION by Mark Sammut, SECOND by Ian McCray, to grant design review approval of DR18-02, application for a four foot tall black aluminum fence in the rear yard at 622 Falls Road by Michael and Rosemarie Dubois with the condition a zoning permit shall be required prior to installation of the fence. VOTING: unanimous (6-0); motion carried.**

**SP17-04R1: Amendment to Site Plan to modify buildings on Lots 1 & 2 and revise storm water facilities, grading, and modify utilities at 4188 Shelburne Road in the Mixed Use district and Stormwater Overlay District by Rice Lumber Company**

Dave Marshall with CEA and Dave and Jim Carroll with Rice Lumber appeared on behalf of the application. Mark Sammut recused himself and left the meeting. Joanna Watts facilitated the meeting.

Submittals:

- Cover letter prepared by Civil Engineering Associates, dated and received 2/14/18
- General Information Application, received 2/14/18

- Site Plan Review Application, received 2/14/18
- Rice Lumber – Lighting View from Northwest
- Rice Lumber – Lighting View from Northeast
- Lighting cut sheets
- Rice Lumber Exterior Lighting Schedule
- Site Plan Set prepared by Civil Engineering Associates, received 6/15/17
- Town of Shelburne Staff Report, dated 3/7/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 3/7/18.

#### APPLICANT COMMENTS

Dave Marshall explained the plan to relocate current operation of the lumber yard to the southern portion of the property. The site has been lowered by two feet with the grading that was done which lowered the top of the building. The lighting plan takes advantage of improvements with LED lighting for its energy, efficiency, and distribution. The driveway lights will come on at dusk for three hours and then decrease to 40% illumination. For safety the driveway remains illuminated longer than other areas on the site because the driveway also serves the residential units. Current business hours are 6:30 AM to 4:30 PM. There are summer and winter hours. Security lighting on the retail building comes on one hour before standard operations begin and goes off one hour after standard operations cease. The lights by the drive-thru building and the warehouse building have the same lighting schedule (security lighting on through the nighttime hours) and motion activated lights on the back of the building. The landscaping package will be revised to better create screening from Route 7. The landscaping package will be part of a future submittal.

Kait Mitchell asked if any lights will be on all night long. Dave Marshall said the security lighting on the east side of the drive-thru building and on the west side of the retail building will be on all the time. The area between the drive-thru building and the warehouse has motion activated lighting. The lights will be on for an hour after the hours of operation cease. Kait Mitchell noted the narrative for the security lighting can be entered into the record to satisfy the requirement that there be a narrative on security lighting.

Jeff Pauza asked how long the motion sensor lighting stays on once activated. Dave Marshall said the schedule is variable from 30 minutes to one hour. Kait Mitchell said the restriction on motion detector lights is 10 minute intervals.

Norm Blais asked if the requirements of Section 1975.2 are met. Kait Mitchel confirmed the regulations are met. The DRB can require lighting plan certification be provided by a lighting professional.

#### PUBLIC COMMENT

Harold Hoes, adjacent property owner, said the proposed changes relative to lighting, landscaping, and lowering the building are good.

There were no further comments.

#### DELIBERATION/DECISION

Amend Site Plan, Modify Buildings and Utilities, 4188 Shelburne Road, Rice Lumber Company (SP17-04R1)

**MOTION by Jeff Pauza, SECOND by Joanna Watts, to finalize the record for SP17-04R1 to modify buildings and utilities at 4188 Shelburne Road by Rice Lumber Company. VOTING: unanimous (5-0); motion carried.**

**MOTION by Jeff Pauza, SECOND by Joanna Watts, to close the hearing and direct staff to prepare a decision to indicate approval of SP17-04R1 by Rice Lumber Company at 4188 Shelburne Road as depicted on the application materials subject to the following conditions:**

1. All previous conditions of approval for Rice Lumber still apply.
2. Lighting Plan certification shall be provided by a lighting professional.

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

**SUB15-05R1: Amend Final Plan to extend the PUD approval and revise the approved phasing at 4188 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Rice Lumber Company**

Dave Marshall with CEA and Dave and Jim Carroll with Rice Lumber appeared on behalf of the application.

#### Submittals:

- Cover letter prepared by Civil Engineering Associates, dated 2/13/18 and received 2/14/18
- Final Plat Review Application, received 2/14/8
- General Information Application, received 2/14/8
- Town of Shelburne Staff Report, dated 3/7/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 3/7/18. Kait Mitchell said the PUD approval has an expiration date of two years. The applicant is requesting an extension for the construction buildout.

#### APPLICANT COMMENTS

Dave Marshall said phase one is the initial consolidation and relocation from the north side to the south end of the property. The existing buildings must be removed within 12 months of occupancy of the south end. A master plan with a timeframe for the PUD to remain viable will be developed. The applicant and the bank financing the project would prefer not having to request an extension every two years. The applicant would like to discuss a good timeframe to allow the PUD approval to remain viable.

Kait Mitchell said there are some provisions for administrative approval of an extension (i.e. show 50% completion). Jeff Pauza said the town should not unduly burden the applicant, but needs to see progress on the project. Kait Mitchell said the applicant will need approval of any development on lots 2, 4, and 5. Dave Marshall said all the commercial lots require site plan approval. The applicant would like to provide staff with updates on what is being done to move the project forward.

Norm Blais asked if an annual update to staff on the project's progress is acceptable. Kait Mitchell said there could be language drafted that certain milestones must be met with the commercial lots or the application will expire and have to be re-submitted. Dave Marshall suggested an amendment could be done to the phasing plan.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Amend Final Plan, Extend PUD Approval and Revise Phasing, 4188 Shelburne Road, Rice Lumber Company (SUB15-05R1)

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record for the Final Plat Application, SUB15-05R1, by Rice Lumber and direct staff to prepare a decision of approval for 4188, 4190, 2055, and 4484 Shelburne Road with the condition the applicant submit an amended phasing plan or site plan application for the commercial lots by December 31, 2021. VOTING: unanimous (5-0); motion carried.**

**MOTION by Joanna Watts, SECOND by Lisa LaMantia to close the hearing on SUB15-05R1 by Rice Lumber. VOTING: unanimous (5-0); motion carried.**

**5. OTHER BUSINESS/CORRESPONDENCE**

None.

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

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to adjourn the meeting.**

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

The meeting was adjourned at 7:55 PM.

*RScty: MERiordan*