

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 21, 2018**

MEMBERS PRESENT: Mark Sammut, Joanna Watts, Jeff Pauza, Jeff Hodgson, Lisa LaMantia, Ian McCray.
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator.
OTHERS PRESENT: Dave Marshall, Collin Frisbie, Bart Frisbie, Nate Burris, Erick Finley, Reed Abbott, Andy Rowe, Jim Germander, John Paul, Charlie Kail, Steve Gonsalves, Chuck Dunham, Gail Albert.

AGENDA:

1. Call to Order and Announcements
2. Organizational Meeting
3. Public Comment
4. Approval of Minutes (3/7/18)
5. Applications
 - Design Review, Concrete Steps, 30 Church Street, Shelburne United Methodist Church (DR18-03)
 - Conditional Use, Expand Lakeshore Erosion Control Structure, 4135 Harbor road, Davis (CU17-13R1)
 - Preliminary Plan, Subdivision, Four Lots, 25 & 39 Irish Hill Road, The Sterling Land Company, LLC (SUB17-02)
 - Conditional Use, Expand Structure, 5353 Spear Street, RAN Vermont Investments, LLC (CU17-13R2)
 - Site Plan, Reconfigure Parking Lot, 5531 Spear Street, RAN Vermont Investments, LLC (SP18-02)
 - Site Plan\Conditional Use, Expand Golf Course and Other Alterations, 5531 Spear Street, RAN Vermont Investments, LLC (SP18-03\CU18-01)
6. Other Business
7. Adjournment

[Note: Minutes reflect the order of the published agenda.]

1. CALL TO ORDER and ANNOUNCEMENTS

Mark Sammut called the meeting to order at 7 PM and suggested amendments to the agenda.

MOTION by Mark Sammut, SECOND by Joanna Watts, to amend the agenda to address the election of officers at the end of regular business and to advance review of the applications pertaining to Kwiniaska Golf Course on the agenda.

DISCUSSION:

- Dave Marshall with Civil Engineering Associates said the applications for the golf course consolidation need to be continued due to revisions to the site plan, but the parking lot restriping can move forward.

- Kait Mitchell noted the abutting property owners were not given proper notice so staff is recommending postponement.

VOTING: unanimous (-0); motion carried.

2. ORGANIZATIONAL MEETING

Chair

MOTION by Mark Sammut, SECOND by Ian McCray, to nominate Joanna Watts as Chair of the Shelburne DRB. There were no other nominations. **VOTING: 5 ayes, one abstention (Joanna Watts); motion carried.**

Joanna Watts is Chair of the Shelburne DRB.

Vice Chair

MOTION by Mark Sammut, SECOND by Jeff Pauza, to nominate Ian McCray as Vice Chair of the Shelburne DRB. There were no other nominations. **VOTING: 5 ayes, one abstention (Ian McCray); motion carried.**

Ian McCray is Vice Chair of the Shelburne DRB.

Clerk

MOTION by Lisa LaMantia, SECOND by Ian McCray, to nominate Mark Sammut as Clerk of the Shelburne DRB. There were no other nominations. **VOTING: 5 ayes, one abstention (Mark Sammut); motion carried.**

Mark Sammut is Clerk of the Shelburne DRB.

3. PUBLIC COMMENT

There were no comments from the public at this time.

3. APPROVAL OF MINUTES

March 7, 2018

MOTION by Mark Sammut, SECOND by Ian McCray, to approve the minutes of 3/7/18 as written. 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:18-03: Design Review for a new set of concrete steps with a metal railing on the west side of the church at 30 Church Street in the Village Center District, Stormwater Overlay District and Village Design Review Overlay by Shelburne United Methodist Church

Chuck Dunham appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application, received 2/15/18
- Site Plan depicting location of proposed steps
- Photographs of the church
- Photographs of the proposed steps and railing
- Town of Shelburne Staff Report, dated 3/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 3/21/18.

APPLICANT COMMENTS

Chuck Dunham explained the steps into the “parlor” in the building on the west side of the church are unsafe due to age and condition and need to be replaced. Shelburne Historic Preservation & Design Review Committee recommended making the concrete steps look “aged” to better match the church.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Concrete Steps, 30 Church Street, Shelburne United Methodist Church (DR18-03)

MOTION by Ian McCray, SECOND by Lisa LaMantia, to grant design review approval of DR18-03, application for pre-cast concrete steps on the west side of the church at 30 Church Street by Shelburne Methodist Church, with the following conditions:

1. The concrete that is used to make the steps will be darkened.
2. The steps will have a flat black metal railing.
3. A zoning permit shall be required prior to the installation of the steps.

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

SP18-02: Site Plan review to reconfigure the existing parking lot and make changes to circulation at 5531 Spear Street in the Rural District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by RAN Vermont Investments, LLC

SP18-03\CU18-01: Site Plan\Conditional Use review to expand the existing golf course and modify/expand the parking, landscaping, and other site alterations at 5531 Spear Street in the Rural District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by RAN Vermont Investments, LLC

MOTION by Mark Sammut, SECOND by Jeff Hodgson, to continue the applications by RAN Vermont Investments, LLC for 5531 Spear Street (SP18-02, SP18-03 and CU18-01) until April 4, 2018. VOTING: unanimous (6-0); motion carried.

CU17-13R1: Conditional Use review to expand a previously approved lakeshore erosion control structure (seawall) at 4135 Harbor Road in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by Charles and Marna Davis

Dave Marshall, CEA, appeared on behalf of the application.

Submittals:

- Technical Basis Letter prepared by Civil Engineering Associates, dated 2/21/18 and received 2/22/18
- General Application Form, received 2/21/18
- Conditional Use Review form, received 2/21/18
- Project Compliance Summary, received 2/21/18
- Abutter Map, received 2/21/18
- Floodplain and Watercourse Overlay District Narrative, received 2/21/18
- Letter addressed to Michaela Stickney prepared by CEA, dated and received 2/21/18
- Site Plan (C1.0, C1.1, C2.0) prepared by CEA, dated 8/22/17 and received 2/22/18
- Existing conditions photos, received 3/8/18
- Town of Shelburne Staff Report, dated 3/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 3/21/18.

APPLICANT COMMENTS

Dave Marshall explained the proposal to infill with a seawall to better tie into the south wall. There is approximately 900' of seawall in place. The existing dark grey color of the wall will be replicated. The existing stairs to the lake will be removed and replaced with a more durable product. The stairway is compliant with the zoning regulations.

Joanna Watts asked about the wall extending past the 102' contour. Dave Marshall explained the seawall will be built to the 106' elevation and tie into the land above the 102' contour. Documentation was submitted showing this is consistent with the previous approval. There is narrative with the submittals regarding vegetative stabilization methods and areas of sharp transition between the shoreline and the plateau with a large

amount of erosion. Attempt is being made to protect the soil by using highly stable materials that can withstand waves and ice. Mark Sammut agreed this is an effective way to stabilize the corner of the lot.

PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, asked if the materials will be natural or constructed. Dave Marshall said quarried dark rock will be used.

There were no further comments.

DELIBERATION/DECISION

Conditional Use, Expand Seawall, 4135 Harbor Road, Davis (CU17-13R1)

MOTION by Mark Sammut, SECOND by Jeff Pauza, to finalize the record for CU17-13R1 to expand the erosion control structure at 4135 Harbor Road by Charles and Marna Davis. VOTING: unanimous (6-0); motion carried.

MOTION by Mark Sammut, SECOND by Lisa LaMantia, to close the hearing and direct staff to prepare a decision to indicate approval of CU17-13R1 for expansion of an erosion control structure at 4135 Harbor Road by Charles and Marna Davis as depicted on the application materials and with the following conditions:

- 1. A zoning permit shall be required prior to any improvements being made.**
- 2. Any removal of vegetation shall require a Lakeshore Vegetation Cutting Application.**
- 3. Within 90 days of project completion a professional engineer shall certify that the project has been constructed according to the approved plans as conditioned.**

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

SUB17-02: Preliminary Plan review to reconfigure two lots into four lots and construct three duplex units at 25 & 39 Irish Hill Road in the Shelburne Falls Mixed Use District, Residential District, and Floodplain and Watercourse Overlay District by The Sterling Land Company, LLC

Andy Rowe with Lamoureux and Dickinson and Bart and Collin Frisbie with The Sterling Land Company appeared on behalf of the application.

Submittals:

- Cover letter prepared by Lamoureux and Dickinson, dated 2/28/18
- General Application Form, received 2/28/18
- Property Owner Authorization Letter, received 2/28/18
- Preliminary Plan Review Application, received 2/28/18

- Site Plan Review Application, received 2/28/18
- Water Quality Superintendent memo, received 2/28/18
- Fire Department memo, received 2/28/18
- Recreation Department memo, received 2/28/18
- Police Department email, received 2/28/18
- Highway Department memo, received 2/28/18
- Water Department Superintendent memo, received 2/28/18
- South Burlington Stormwater Utility memo, received 2/28/18
- School Impact Questionnaire, received 2/28/18
- DEC Project Review Sheet, received 2/28/18
- Lamoureux and Dickinson memo, re: SNRCC, received 2/28/18
- Site Distance memo, received 2/28/18
- Stormwater narrative, received 2/28/18
- Subdivision Regulations Article 800/Tax Revenue narrative, received 2/28/18
- Letter of map amendment (3), received 2/28/18
- Landscape cost estimate, received 2/28/18
- Building description & likeness photos, received 2/28/18
- Draft Declaration of Planned Community, received 2/28/18
- Site Plan Set prepared by Lamoureux and Dickinson, last amended 2/16/18 and received 2/28//18
- Sketch Plan Record
- Town of Shelburne Staff Report, dated 3/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 3/21/18.

APPLICANT COMMENTS

Andy Rowe reviewed the proposed residential development on 5.4 acres in the Shelburne Falls Mixed Use area, noting the following:

- The four lot development is 100' from the center of the LaPlatte River. Three lots will be south of the river and the fourth lot will be north of the river.
- A 20' wide shared access road will serve all the lots.
- The northernmost duplex has been pulled to the south by 20' to provide more distance from the stream. The southernmost duplex has been moved farther from Irish Hill Road (minimum of 37').
- The builder and homeowners will design the houses to be built within the building envelopes which have been moved 15' inward from the Floodplain and Watercourse Overlay District. Large boulders will be placed to define the boundary of the overlay district.

- The development complies with the Floodplain and Watercourse Overlay District.
- The east side of the curb cut by the bridge abutment will be cleared of vegetation to improve sight distance. Signs (“Hidden Drive”) can be added to alert drivers to the driveway. The trees to be planted along Irish Hill Road (American elm) will be set back to maintain sight distance.
- There will be no streetlights in the development. The lights on the houses will comply with the lighting requirements of the town.
- Species of plantings in the landscape plan were chosen due to the mesic clayplain forest and to continue continuity. Vegetation management standards for the development will allow pulling out invasive species, but not removing stumps or roots which actually accelerates invasion.
- Lot 4 (open space) will be deeded to the town.

There was discussion of the comment from the Fire Department for a 24’ wide road with a turnaround. Andy Rowe explained the proposed road width is 20’ to minimize the amount of impervious area. There is 10’ behind each vehicle in the driveway for each unit plus a stub at the end of the access road for turnaround. Jeff Hodgson observed there is room for four cars at each residence, but not much on-street parking. Jeff Pauza expressed concern about cars backing up onto Irish Hill Road. Mark Sammut suggested maintaining the pavement profile and having reinforced 2’ shoulders on each side of the pavement.

There was discussion of the requirement for sidewalks per Section 1900.7.e. Kait Mitchell said the sidewalks must follow the property line and meet the Public Works Specifications even though the sidewalk will not connect with other sidewalk now, but may in the future.

There was discussion of removing existing structures and debris on the property. Bart Frisbie said the shed will be removed along with any junked cars and debris.

PUBLIC COMMENT

Gail Albert, SNRCC, suggested there be no removal of invasive species in the buffer area to help limit propagation of invasive species and to hide the development from view from the public overlook area across the river. The area west of the buildings should remain untouched. Andy Rowe noted the mobile home and existing house are visible when the leaves are off the trees, and there are houses by the overlook. The overlay in the 100’ contour along the river maintains the focus on the river. There are no viewsheds on Irish Hill Road discussed in the town’s comprehensive plan.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, 4 Lots, 25 & 39 Irish Hill Road, The Sterling Land Company, LLC (SUB17-02)

MOTION by Mark Sammut, SECOND by Joanna Watts, to finalize the record for the Preliminary Plan Application for SUB17-02, four lot subdivision at 25 & 39 Irish Hill Road by The Sterling Land Company, LLC, and authorize the applicant to prepare a Final Plan Application with the following recommendations:

- **The applicant shall be responsible for regular maintenance of all storm water conveyance and treatment systems or amend the Declaration of Planned Community to include a specific requirement for the association to do so.**
- **The applicant shall install signs reading “Hidden Drive” as recommended by the town prior to issuance of a Certificate of Occupancy for any one of the three properties.**
- **The road shoulder shall be widened to two feet on each side from the edge of the pavement.**
- **The vegetation management plan shall be modified to eliminate cutting or removal of invasive species on lots 1, 2, and 3.**
- **The shed and any non-native debris shall be removed from the property prior to issuance of a Certificate of Occupancy.**
- **A landscape bond for a period of two years shall be provided to the town.**
- **Final Plan shall reflect a turnout or turn around accommodation adjacent to Lot 1.**

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

CU17-13R2: Conditional Use review to expand the previously approved accessory hitting structure to 100’x 16’ at 5353 Spear Street in the Rural District and Stormwater Overlay District by RAN Vermont Investments, LLC

Dave Marshall, CEA, and Steve Gonsalves, golf range owner/operator, appeared on behalf of the application.

Submittals:

- Cover letter prepared by CEA, dated 2/20/18 and received 2/21/18
- General Application, received 2/21/18
- Site Plan Review Application, received 2/21/18
- Conditional Use Review Application, received 2/21/18
- Site Plan prepared by CEA, received 2/21/18
- Elevations prepared by CEA, received 3/8/18
- Planting Chart, received 2/21/18
- Hitting structure sample, received 2/21/18
- Traffic data, dated 3/8/99 and received 2/21/18
- Exemption from EPR Chapter 22, received 2/21/18

- Public Works Specifications for Stormwater Management Systems, received 2/21/18
- Project narrative, received 2/21/18
- Town of Shelburne Staff Report, dated 3/21/18

STAFF REPORT

The DRB received a written staff report on the application, dated 3/21/18.

APPLICANT COMMENTS

Dave Marshall explained the proposal to expand the single story accessory hitting structure to 100' long, 26' wide, and 14' high to allow use of the hitting facility through in climate weather. Operations are not being expanded. The building will have three sides and one open side to the range. The building is on the far south end of the range. The expansion will be on a concrete slab. The nearest residential building is 700' away. Spear Street is 800' away. Trees will be planted on the west side of the building to mask the mass of the structure in a north-south direction. The recent traffic count taken on Spear Street showed 6,200 vehicles per day.

Steve Gonsalves said the hours of operation will remain the same. Nearly 25% of business is lost due to bad weather. The structure will allow golfers to use the range regardless of the weather. The golf season in Vermont runs from April to November.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Expand Structure, 5353 Spear Street, RAN Vermont Investments, LLC (CU17-13R2)

MOTION by Mark Sammut, SECOND by Lisa LaMantia, to finalize the record for CU17-13R2 for 5353 Spear Street by RAN Vermont Investments, LLC, and to direct staff to prepare a decision to indicate approval for expansion of an accessory hitting structure as depicted on application materials received 2/21/18 and with the following conditions:

- 1. A zoning permit shall be required prior to any improvements being made.**
- 2. Conditions not addressed by the application are not altered by the decision.**

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

6. OTHER BUSINESS/CORRESPONDENCE

Best wishes were extended to Kaitlyn Mitchell in her graduate studies at Cornell University.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, SECOND by Joanna Watts, to adjourn the meeting.

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

The meeting was adjourned at 9 PM.

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