

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
April 4, 2018**

MEMBERS PRESENT: Joanna Watts (Chair); Ian McCray, Mark Sammut, Jeff Pauza, Jeff Hodgson, Lisa LaMantia, David Hillman.
STAFF PRESENT: Kaitlin Mitchell, DRB Administrator [via telephone]
OTHERS PRESENT: Dave Marshall, Colleen Brandon, Jim Gernander, John Paul, Nate Burris, Clint West, Bob Ryder, Sean MacFaden, Scott Gardner, Jack Milbank.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (3/21/18)
4. Applications
 - Design Review, Single Family House Replacement, 1056 Falls Road, Scott Gardner (DR18-04)
 - Design Review, Scoreboard Replacement, 5420 Shelburne Road, Shelburne Little League (DR18-06)
 - Vegetation Cutting Plan, 500 Lands End Lane, Brandon (VCP18-03)
 - Conditional Use, Deck Reconstruction, 224 Pine Haven Shores Lane, Jon Pizzagalli (CU02-01R2)
 - Conditional Use\Site Plan Review, Lot Merger & Mixed Use Building, 2916 Shelburne Road, Clint West (FBZ17-01)
 - 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)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Joanna Watts called the meeting to order at 7 PM and welcomed David Hillman to the DRB.

2. PUBLIC COMMENT

There were no comments from the public at this time.

3. APPROVAL OF MINUTES

March 21, 2018

MOTION by Joanna Watts, SECOND by Jeff Hodgson, to approve the minutes of 3/21/18 with the change to the sentence under “Applicant Comments” for the United Methodist Church Design Review Application that reads: “...are unsafe due to age and condition and need to be replaced” to read: “were unsafe due to age and

condition and were removed and need to be replaced”. VOTING: unanimous (7-0); motion carried.

4. APPLICATIONS

The function of the Development Review Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the DRB were sworn in.

DR18-04: Design Review to replace a single family house at 1056 Falls Road in the Shelburne Falls Mixed Use District, Village Design Review Overlay District, and Stormwater Overlay District by Scott Gardner

Scott Gardner appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Memo from Building Energy (Scott Gardner), dated 3/9/18
- Letter from 106 Associates, dated 2/26/18
- Site Plan, dated 6/15/17
- Revised Site Plan, received 3/29/18
- Elevations and Floor Plans, dated 6/15/17 and 2/21/18
- Revised Elevations, received 3/29/18
- Rake Details
- Revised Rake Details, received 3/29/18
- Window and Door Catalog Cut Sheets
- Town of Shelburne Staff Report, dated 4/4/18

STAFF REPORT

The DRB received a written staff report on the application, dated 4/4/18

APPLICANT COMMENTS

Scott Gardner said the new construction will include many of the recommendations from staff and Shelburne Historic Preservation & Design Review Committee (SHP&DRC).

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Single Family House Replacement, 1056 Falls Road, Scott Gardner (DR18-04)

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to grant design review approval of DR18-04, application for a replacement single family house at 1056 Falls Road by Scott Gardner with the following conditions:

- 1. The windows shall be aluminum clad with true simulated divided light in two-over-two patterning.**
- 2. The second story window on the south elevation shall be centered.**
- 3. The soffit overhang shall be a minimum of 12”**

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

DR18-06: Design Review for a replacement scoreboard on the south baseball field at 5420 Shelburne Road in the Village Center District, Village Design Review Overlay District, and Stormwater Overlay District by Shelburne Little League

No one appeared on behalf of the application.

Submittals:

- Application
- Photograph and specifications of proposed scoreboard
- Photograph of existing scoreboard
- Color chart
- Photo of proposed Burton Snowboards sponsor panel
- Town of Shelburne Staff Report, dated 4/4/18

STAFF REPORT

The DRB received a written staff report on the application, dated 4/4/18.

Lisa LaMantia asked if the sponsor panel rotates or changes in any way. Kait Mitchell said the panels do not move or change.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Scoreboard Replacement, 5420 Shelburne Road, Shelburne Little League (DR18-06)

MOTION by Mark Sammut, SECOND by Joanna Watts, to grant design review approval to the Town of Shelburne/Shelburne Little League for a replacement scoreboard at 5420 Shelburne Road with the following conditions:

1. The scoreboard shall be brick red in color.
2. The existing posts shall be utilized.
3. A zoning permit shall be required prior to the installation of the new scoreboard.

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

VCP18-03: Vegetation Cutting Plan for removal of vegetation within the Forest Management Area as conditioned in SUB05-05R2 at 500 Lands End Lane in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by Colleen and Joseph Brandon

Jack Milbank, Civil Engineering Associates, appeared on behalf of the application. Jeff Hodgson recused himself and left the room.

Submittals:

- Cover letter prepared by CEA, received 3/7/18
- Cover letter prepared by CEA, received 1/25/18
- Email correspondence, dated 8/7/17
- Site Plan Compliance Document, received 2/23/18
- Supplemental project information, dated 1/25/18
- Letter prepared by William DeVos, dated 5/4/17 and received 5/7/17
- Vegetation Cutting Plan prepared by Civil Engineering Associates, dated 8/29/17 and received 3/7/18
- Existing conditions photographs, received 3/7/18
- Town of Shelburne Staff Report, dated 4/4/18

STAFF REPORT

The DRB received a written staff report on the application, dated 4/4/18.

APPLICANT COMMENTS

Jack Milbank explained the request to be able to remove dead, diseased and damaged trees on the Brandon lot which is Lot 3 of the Jackson subdivision on Shelburne Point. Lot 3 did not have a setback cutting management plan so one was developed. The view management areas were inventoried and a vegetation cutting permit was received. DRB approval is needed for cutting more than three trees in the forest management area. It is anticipated 30 dead, diseased and damaged trees will need to be removed to manage, enhance and protect the healthy trees in the forest management area and allow revegetation to occur. The cutting will be less than 5% of the trees on the lot. The cutting plan establishes a baseline of vegetation on the lot and will be used for all cutting in the future.

Joanna Watts asked about replacing removed trees. Kait Mitchell said there is no trigger for requiring plantings. The existing cedar trees provide cover. Shelburne Natural Resources Committee suggested a qualified forest ecologist provide input. Jack Milbank pointed out there is sensitivity and stewardship by the property owner in taking care of the lot (award worthy effort). The damaged trees are threatening the slope of the bank. Plenty of canopy remains to protect the view. David Hillman commented the arborist used equivalent words to those of Bill DeVos with regard to the forest management plan. Mark Sammut agreed Bill DeVos is very well respected in the field and the property owner has done a good job of minimizing impact on the area so there is no need to do more plantings.

PUBLIC COMMENT

Sean MacFaden, Shelburne Natural Resources Committee, said the committee suggested an independent forest ecologist review the plan to determine the effect on the lakeshore zone. The location is very sensitive. Jack Milbank pointed out there was no consideration for replanting on lots 1 & 2 where a significant number of trees were removed. There was also no requirement for an independent ecologist.

There was further discussion of having a forest ecologist review the plan and agreement by the DRB that there has been thorough due diligence by the arborist retained by the property owner.

DELIBERATION/DECISION

Vegetation Cutting Plan, 500 Lands End Lane, Brandon (VCP18-03)

MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record, close the hearing, and direct staff to prepare a decision to indicate approval of VCP18-02, Vegetation Cutting Plan as depicted on the application materials and with the condition a Vegetation Cutting Permit shall be required prior to any improvements being made. VOTING: unanimous (6-0); motion carried.

Jeff Hodgson returned to the DRB.

CU02-01R2: Conditional Use to reconstruct a pre-existing nonconforming deck at 224 Pine Haven Shores Lane in the Residential District, Stormwater Overlay District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by Jon Pizzagalli

No one appeared on behalf of the application.

Submittals:

- General Application Form, received 3/2/18

- Conditional Use Application Form, received 3/2/18
- Site Plan, received 3/2/18
- Exterior Elevation & Plans, received 3/2/18
- Building Section & Details, received 3/2/18
- Interior Elevation & Details, received 3/2/18
- Deck/Porch Framing Plans, received 3/2/18
- Existing conditions photos, received 3/2/18
- Town of Shelburne Staff Report, dated 4/4/18

STAFF REPORT

The DRB received a written staff report on the application, dated 4/4/18. Kait Mitchell said the applicant proposes to reconstruct the pre-existing nonconforming deck, enclose the deck, and have a roof overhang. There will also be a patio area. The construction will not extend farther into the setback than the existing structure and the nonconformity is not being increased.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Deck Reconstruction, 224 Pine Haven Shores Lane, Jon Pizzagalli (CU02-01R2)

MOTION by Joanna Watts, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU02-01R2, Conditional Use to reconstruct a pre-existing nonconforming deck at 224 Pine Haven Shores Lane as depicted on the filed application materials by Jon Pizzagalli, received 3/2/18, and with the following conditions:

- 1. A zoning permit shall be required prior to land development.**
- 2. The applicant shall submit the exact dimensions including the total area (which cannot increase the degree of nonconformity and the height of the proposed structure cannot make the structure more nonconforming).**
- 3. The structure must be generally compatible with the materials and colors of the existing building.**
- 4. The project shall be built as depicted on the plans.**

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

FBZ17-01: Final Plan\Conditional Use\Site Plan for a two lot merger to facilitate construction of a mixed use building with commercial on the lower level and six apartment units on the second floor at 2916 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Shelburne Road Form Based Overlay District by Clint West

Clint West appeared on behalf of the application.

Submittals:

- Cover letter prepared by CEA, received 3/13/18
- Final Plan Application prepared by CEA, received 3/13/18
- Site Plan Review Application prepared by CEA, received 3/13/18
- Conditional Use Review Application prepared by CEA, received 3/13/18
- Plant List & Pricing prepared by Fournier Landscaping, received 3/13/18
- Lighting Cut Sheets, received 3/13/18
- Department Head letters, received 3/13/18
- Site Plan Set prepared by CEA, received 3/13/18
- Elevations and Plans prepared by G4 Design Studios, received 3/13/18
- Lighting Layout prepared by RAB Lighting, received 3/13/18
- Lighting Layout (viewpoint 2) prepared by RAB Lighting, received 3/13/18
- Lighting Layout (viewpoint 3) prepared by RAB Lighting, received 3/13/18
- Lighting Calculation Summary prepared by RAB Lighting, received 3/13/18
- Town of Shelburne Staff Report, dated 4/4/18

STAFF REPORT

The DRB received a written staff report on the application, dated 4/4/18.

APPLICANT COMMENTS

Clint West submitted additional written materials and plans for the proposal and explained the first level of the mixed use building will be commercial space. The second level will have six apartment units.

There was discussion of the following:

- Fire Department comments regarding fire hydrants - Clint West said there are three fire hydrants in close proximity and the building will be fully sprinklered. Mark Sammut noted the applicant submitted a letter indicating permission to use the private water line and a letter from the town indicating there is adequate sewer capacity for the proposal.
- Occupancy percentages - Clint West said the minimum is 70%. The proposal is for 74% and is compliant.

- Open Space – Clint West said the proposal shows 10% open space, but this can be increased if necessary.
- Transparency percent – Clint West said all the requirements are met.
- Pedestrian/bike access – Clint West said there is outdoor bike parking at the rear of the property and indoor bike parking.
- Parking – Clint West said a rug cleaning business will be in the commercial space in the building. Typically the trucks leave for the day and return at night. Customers on occasion will drop off a rug to be cleaned. Three parking spaces are needed for the rug cleaning business. The trucks can park inside the covered parking area. There are 12 parking spaces for the rental units.
- Landscaping – Clint West said 66 arborvitae and seven understory trees will be planted. A revised landscape plan was submitted to reflect the plantings.
- Dumpster – Clint West said the dumpster has been moved and updated.
- Access – The applicant will get a letter from VTrans regarding the right-of-way.
- Traffic – The DRB felt the traffic from the proposal will not impact traffic on Route 7.
- Lighting – Clint West said there will be full cutoff shielded lights on dimmers that are downward facing. The lights are for safety and security purposes and will have minimal impact. Jeff Hodgson suggested a pole light on the house side be installed to light the parking spaces. Mark Sammut suggested the applicant have a qualified lighting designer do a plan for the site that complies with Shelburne’s lighting regulations in the Form Based Overlay District.
- Apartment size – Lisa LaMantia said the square footage of the two bedroom apartments seems small. Clint West explained the size of the apartments is for financial reasons and though small are a common size.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan\Conditional Use\Site Plan, Lot Merger & Mixed Use Building, 2916 Shelburne Road, Clint West (FBZ17-01)

MOTION by Joanna Watts, SECOND by Mark Sammut, to continue FBZ17-01 (lot merger and mixed use building by Clint West) until April 18, 2018 pending receipt of the following information from the applicant:

1. A letter from Palmer Court homeowners association addressing use of the right-of-way.
2. Detailed lighting plan for the site that meets the Form Based Overlay District requirements.

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

MOTION by Mark Sammut, SECOND by Joanna Watts, to submit for the record the additional written materials and plans submitted by Clint West on 4/4/18.

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

SP18-02: Site Plan to reconfigure the existing parking lot and change the circulation at 5531 Spear Street (Kwiniaska Golf Course) in the Rural District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by RAN Vermont Investments, LLC

Dave Marshall with CEA and Jim Gernander and John Paul with Kwiniaska Golf Course appeared on behalf of the application.

Submittals:

- Cover letter prepared by CEA, dated 2/20/18 and received 2/23/18
- General Application, received 2/23/18
- Site Plan Review Application, received 2/23/18
- Site Plan Compliance Document, received 2/23/18
- Project Narrative prepared by CEA and received 2/23/18
- Abutter Maps, received 2/23/18
- Site Plan Set, dated 2/20/18 and received 2/23/18
- 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. Kait Mitchell noted the application is not for an expansion of the use, but only to reconfigure the parking lot.

APPLICANT COMMENTS

Dave Marshall reviewed existing conditions and explained the proposal to relocate the accessible parking spaces to another area so the spaces are fully ADA compliant and to improve the circulation in the parking lot at the Kwiniaska clubhouse with the addition of grassed islands. The gas storage tank and the dumpster will be relocated to the maintenance facility. The amount of impervious area is being decreased so there is no issue with Article 5 (storm water). Landscaping will be covered. There are four foot wide shoulders on the road now and providing an easement for a bike/shared path will impact the parking and retaining wall. The golf course is grandfathered. Request is made to not require the easement.

Jim Gernander briefly explained the removal of trash from the course and clubhouse each day. All materials (trash and recyclables) are brought to the maintenance barn.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Site Plan, Reconfigure Parking Lot, 5531 Spear Street, RAN Vermont Investments, LLC (SP18-02)

MOTION by Mark Sammut, SECOND by Joanna Watts, to finalize the record, close the hearing, and direct staff to prepare a decision to indicate approval of the Site Plan Application, SP18-02, by RAN Vermont Investments, LLC to reconfigure the parking lot at 5531 Spear Street as depicted on the application materials received 2/23/18 with the condition a zoning permit shall be required prior to any improvements being made. VOTING: unanimous (7-0); motion carried.

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

Dave Marshall, CEA, said discussions with the Beaver Creek neighborhood on the redesign of the adjacent golf holes are ongoing and a continuance is requested.

The resident at 579 Beaver Creek Road said they were not included in the discussions though they are residents of the neighborhood. Mark Sammut said the applicant is supposed to notify adjacent neighbors and the DRB encourages participation in the discussions.

MOTION by Mark Sammut, SECOND by Joanna Watts, to continue the application by RAN Vermont Investments, LLC to expand the golf course at 5531 Spear Street (SP18-03\CU18-01) to April 18, 2018. VOTING: unanimous (7-0); motion carried.

5. OTHER BUSINESS/CORRESPONDENCE

None.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Joanna Watts, SECOND by Mark Sammut, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:28 PM.