

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 18, 2018**

**MEMBERS PRESENT:** Mark Sammut, Joanna Watts, Jeff Pauza, Jeff Hodgson, Lisa LaMantia, Ian McCray, David Hillman  
**STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator.  
**OTHERS PRESENT:** Rick Poirier, Jim Gernander, Charli Kail, John Paul, Clint West, Mike Noonan, Michele Noonan, Jay Pricer, Nate Burris, Bill Ryder, Dave Marshall

**AGENDA:**

1. Call to Order and Announcements
2. Disclosure of Conflicts of Interest
3. Public Comment
4. Approval of Minutes (4/4/18)
5. Applications
  - Design Review, Addition to an existing single-family structure as well as changes to siding, windows and doors, 1138 Falls Road, Mike and Michelle Noonan (DR18-05)
  - Design Review, Mudroom extension, chimney work, new skylight, window replacement and new fencing, 270 Bacon Drive, Jay Pricer and Margaret (DR18-07)
  - Subdivision, Site Plan, and Conditional Use, Two-Lot Merger, Construction of a Mixed-Use Building with commercial use on lower floor and apartments on second floor using Form Based Zoning, 2916 Shelburne Road, West (FBZ17-01)
  - Site Plan, Amendment to previously approved landscaping plan and addition of a retaining wall, 4188 Shelburne Road, Rice Lumber Company, (SP17-04R2)
  - Required Access and Frontage Application, DRB Access to an existing lot, Selin & Selin Architecture, 236 High Acres Farm Road, (RFA18-01)
  - Site Plan and Conditional Use Application, Reconfiguration and expansion of an existing golf course, 5531 Spear Street, RAN Vermont Investments, LLC, (SP18-03/CU18-01)
6. Other Business
7. Adjournment

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

**1. CALL TO ORDER and ANNOUNCEMENTS**

Joanna Watts called the meeting to order at 7 PM and asked if there were any conflicts of interest for any DRB members.

Mark Sammut stated he would be recusing himself from agenda Item 6 SP17-04R2

**2. PUBLIC COMMENT**

There were no comments from the public at this time.

### 3. APPROVAL OF MINUTES

*April 4, 2018*

**MOTION by Joanna Watts, SECOND by Ian McCray, to approve the minutes of 4/18/18 with a correction from VTrans to Palmer Court Road Association, on page eight, bullet seven. 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.

**DR18-05 – Application by Michael and Michele Noonan for an addition to an existing single-family structure as well as changes to siding, windows and doors. Property at 1138 Falls Road is located in the Shelburne Falls Mixed Use District, Floodplain and Watercourse Overlay District, and Village Design Review Overlay District.**

Michelle and Michael Noonan appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application;
- Site Plan, dated March 2018;
- Photographs of Property;
- Floor Plans, dated 1/15/18;
- Proposed Elevations, dated 1/15/18;
- Revised Elevations, dated 1/15/18;
- Window and door cut sheets;
- Town of Shelburne Staff Report, dated 4/18/18

### STAFF REPORT

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

### APPLICANT COMMENTS

Michelle Noonan explained that the HP&DRC had reviewed the application and that the proposal included new siding, windows, doors, and an addition to the rear of the house as well as a new entryway and overhang.

### PUBLIC COMMENT

None.

## DELIBERATION/DECISION

Design Review, new siding, windows, doors, and an addition to the rear of the house as well as a new entryway and overhang, 1138 Falls Road, Michelle and Michael Noonan (DR18-05)

**MOTION by Mark Sammut, SECOND by Lisa LaMantia, to grant design review approval of DR18-05, application for new siding, windows, doors, and an addition to the rear of the house as well as a new entryway and overhang at 1138 Falls Road by Michelle and Michael Noonan, with the following conditions:**

1. A zoning permit shall be required prior to the installation of the steps.

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

**DR18-07 – Application by Jay Pricer and Margaret Coan for a mudroom extension, chimney work, new skylights, window replacement and new fencing. Property at 270 Bacon Drive is located in the Shelburne Falls Mixed Use District and the Village Design Review Overlay District.**

Jay Pricer appeared on behalf of the application.

## Submittals

- Historic Preservation and Design Review Application;
- Site Plan;
- Exterior Elevations (Existing and Proposed);
- Fencing Details
- Town of Shelburne Staff Report, dated 4/18/18

## STAFF REPORT

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

## APPLICANT COMMENTS

Jay Pricer explained that the HP&DRC had reviewed the application and that the proposal included new siding, windows, doors, and an addition to the rear of the house as well as a new entryway and overhang.

## PUBLIC COMMENT

None.

## DELIBERATION/DECISION

Design Review, mudroom extension, chimney work, new skylights, window replacement and new fencing. Property at 270 Bacon Drive is located in the Shelburne Falls Mixed Use District and the Village Design Review Overlay District.(DR18-07)

**MOTION by Joanna Watts, SECOND by Ian McCray, to grant design review approval of DR18-07, for a mudroom extension, chimney work, new skylights, window replacement and new fencing at 270 Bacon Drive by Jay Pricer and Margaret Coan, with the following conditions:**

1. A zoning permit shall be required prior to the installation of the steps.

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

**FBZ17-01: Form Based Zoning Final Plan, Site Plan and Conditional Use Review for a two-lot merger to facilitate the construction of a mixed-use building containing a commercial business on the lower level and six apartment units on the second floor at 2916 Shelburne Road is located in the Mixed-Use District and 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 03/13/18;
- Final Plan Application, prepared by CEA, received 03/13/18;
- Site Plan Review Application, prepared by CEA, received 03/13/18;
- Conditional Use Review Application, prepared by CEA, received 03/13/18;
- Plant List & Pricing, prepared by Fournier Landscaping, received 03/13/18;
- Lighting Cut sheets, received 03/13/18;
- Department Head Letters, received 03/13/28;
- Site Plan Set, prepared by CEA, received 03/13/18;
  - o P1 –Plat of Survey and Lot Merger;
  - o C1.0 –Existing Conditions Site Plan;
  - o C1.1 –Proposed Conditions Site Plan;
  - o C2.0 –EPSC Details and Specifications;
  - o C2.1 –Site Details;
  - o C2.2 –Utility Details;
  - o C3.0 –Site Specifications;
  - o C3.1 –Site Specifications;
  - o C3.2 –Site Specifications;
  - o C3.3 –Site Specifications;
  - o C3.4 –Site Specifications;
  - o C3.5 –Site Specifications;

- o L1.0 –Proposed Landscaping Plan;
- Elevations and Plans prepared by G4 Design Studios, received 03/13/18
  - o A100 –Basement; o A101 –First Floor; o A102 –Second Floor; o A201 –West & East Elevations; o A202 –South & North Elevations; o A301 –3D Views;
- Lighting Layout, prepared by RAB Lighting, received 03/13/18;
- Lighting Layout (viewpoint 2), prepared by RAB Lighting, received 03/13/18;
- Lighting Layout (viewpoint 3), prepared by RAB Lighting, received 03/13/18;
- Lighting Calculation Summary, prepared by RAB Lighting, received 03/13/18;
- Staff Report Prepared for 04/04/18 DRB Meeting;
- Materials Received 04/04/18
- Parking Waiver Request, dated 04/03/18 and received 04/04/18;
- Revised Sheet A201, received 04/04/18;
- Revised Sheet C1.2., received 04/04/18;
- Revised Sheet L1.0, received 04/04/18
- Materials Received 04/10/18 for 04/18/18 DRB Meeting
- Palmer Court Road Association Consent Letter, dated 04/06/18 and received 04/10/18;
- Lighting Narrative, prepared by TJ Boyle Associates, received 04/10/18;
- Lighting Plan, prepared by TJ Boyle Associates, received 04/10/18;
- Lighting Details, prepared by TJ Boyle Associates, received 04/10/18;
- Lighting Control Details by TJ Boyle Associates, received 04/10/18
- FBZ17-01 –West –Final Plan/Site Plan/Conditional Use
- Town of Shelburne Staff Report, dated 4/18/18

#### STAFF REPORT

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

#### APPLICANT COMMENTS

None

Joanna Watts confirmed that a letter from the Palmer Court Road Association was received as well as an updated lighting Plan as discussed at the 04/04/18 DRB meeting. Joanna then asked if there were any staff comments, of which there were none. Jeff Pauza asked if there were any other concerns from the prior meeting that needed to be addressed. David Hillman said that they had agreed that there wasn't enough lighting in the parking lot previously but the new plan appears to be in conformance. Joanna asked staff about comments from the Public Works Department. Staff replied that the

requirement to solicit public works department comments had been satisfied. Jeff Pauza questioned whether findings and approval for the parking needed to be documented. Lisa LaMantia reviewed the portions of the staff report relating to parking and asked if the staff report should be updated to reflect that the applicant had requested a waiver. Staff suggested that the final plan motion an approval of the waiver be incorporated. Jeff Pauza asked what the specific waiver would be for. Staff explained that required amount of parking would need to be determined by the DRB because the commercial use proposed does not have specific parking requirements within the regulations. However, per the regulations the apartments require two spaces per unit. Mark Sammut proposed granting a motion granting a waiver for the number of parking spaces depicted on the Plan. Clint West said that there are 20 parking spaces on the plan and that would represent less than a 50% waiver.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Subdivision, Conditional Use and Site Plan, Two-lot merger and construction of a mixed use building, 2916 Shelburne Road, West (FBZ17-01)

**MOTION by Mark Sammut, SECOND by Jeff Pauza, to grant the applicant a allowed use of 20 parking spaces as depicted on the submitted plan.**

**MOTION by Mark Sammut, SECOND by Jeff Hodgson to close the hearing, finalize the record and direct staff to prepare a decision indicating approval for FBZ17-01 as conditioned within the staff report, for a two-lot merger and construction of a mixed-use building at expand the erosion control structure at 2916 Shelburne Road by Clint West.**

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

**SP17-04R2: Site Plan review for an amendment to a previously approved landscaping plan and addition of a retaining wall at 4188 Shelburne Road in the Mixed-Use District and Stormwater Overlay District by Rice Lumber Company.**

Dave Marshall with Civil Engineering Associates, Inc. on behalf of the application. Mark Sammut recused himself from the application.

#### Submittals:

Cover Letter prepared by Civil Engineering Associates (CEA), dated and received 03/14/18;

Site Plan Application, received 03/14/18;

General Information Application, received 03/14/18;

Rice Lumber Valuation of Permitted Landscaping Plan, received 03/14/18;

Rice Lumber Valuation of Proposed Landscaping Plan, received 03/14/18;

Existing Conditions Photographs, received 03/14/18;

Site Plan Set

- o Landscaping Plan-L1;
- o Grading & Drainage Plan South- C2.0;
- o Rice Lumber Warehouse and Storage Shed, A-1.1;
- o Rice Lumber Warehouse and Storage Shed, A-3.0;
- o Rice Lumber Warehouse and Storage Shed, A-4.0

Town of Shelburne Staff Report, dated 04/18/18

#### STAFF REPORT

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

#### APPLICANT COMMENTS

Dave Marshall reviewed the proposed landscaping amendments to the previously approved Rice Lumber PUD in the Mixed-Use District, noting the following:

- The proposal seeks to improve upon the original design which proposed an overall blanketing of evergreens.
- The proposed landscaping proposes larger trees at more critical locations to maximize screening opportunities.
- Value of the proposed plan is slightly more than the original.
- Applicant has also proposed reinforcing street tree pattern along Route 7 with mature evergreen trees.
- The EPSC plan that was approved by the Town and State would remain the same as the limits of disturbance will remain the same.
- A retaining wall is embedded to extend the plateau area creating better screening opportunities and will act as a landscaping feature.
- The retaining wall would be a dry-laid stonewall.
- Lighting will not change as a result of the landscaping changes.
- 

Staff noted that the Landscaping Plans are required to be prepared by a qualified landscape professional and that CEA had prepared the plans and asked if the DRB was satisfied with that. Jeff Hodgson inquired as to who had prepared the plans and the applicant indicated that it was prepared by Distinctive Landscaping. David Hillman commented that he would like to see comments or opinions from a landscape architect and perhaps a better visual representation of the landscaping. Jeff Hodgson noted that the

plans were an improvement as it represents more of a variety of species and sizes. He also inquired about whether the existing retaining wall along the construction entrance is temporary. The applicant responded that it is temporary to maintain the access. Jeff Hodgson also asked about the intent to add grass and remove some of the stone on site.

There was discussion about the previously approved plan and the percentage of screening approved at the time as well as the compliance with the regulations. David Hillman again suggested that to ensure compliance that the applicant obtain comments and provide better visualization.

Applicant suggested that the next step would be to obtain comments about the variety and screening and to provide the tools to better visualize the plan.

Joanna Watts inquired about setback requirements in the district. Staff explained that there is an exception to setbacks for fences and walls allowing those structures to be built within the setbacks.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Site Plan Application, Landscaping Plan Amendment, 4188 Shelburne Road, The Sterling Land Company, LLC (SUB17-02)

**MOTION by Joanna Watts, SECOND by Jeff Pauza to continue the hearing for Site Plan Application SP17-04R2 to May 2, 2018 with the following recommendations:**

- **The applicant shall have the landscape design and species reviewed by a Landscape Architect or other qualified professional and provide those comments to the DRB.**

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

**RFA18-01: Required Access/ Frontage review to provide and 20' right-of-way to an existing undeveloped lot, known as lot 2, at 236 High Acres Farm Road in the Rural District, Lakeshore Overlay District and Floodplain and Watercourse Overlay District by Selin and Selin Architecture.**

Stephen Selin, Selin and Selin Architecture appeared on behalf of the application.

Submittals:

- General Application, received 03/27/18;



- Access to High Acres Farm Lot 2, prepared by Selin & Selin Architecture, received 03/27/18;
- Easement Deed, received 03/27/18;
- Sheet L1.9 -High Acres Farm Plan, prepared by Selin & Selin Architecture, received 03/27/18;
- Exhibit B “Roads” Final Plan Southern Acres Farm, received 03/27/18;
- Town of Shelburne Staff Report, dated 4/18/18

#### STAFF REPORT

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

#### APPLICANT COMMENTS

Stephen Selin explained that the high acres farm property consists of three lots, lot 1 which has the main house, lot two and lot three. One of the boundaries is a shared property line with Shelburne Farms. The lot with the existing house has had access since 1950 through an easement agreement with Shelburne Farms. Current owners are looking to construct two new houses but need a formal access agreement approved by the DRB allowing access through lot one and two to access lot three.

Joanna Watts asked about the conditions within the staff report. Staff explained that there is not a map depicting the existing lots and that in the opinion of staff the DRB should condition the application to require that a map depicting the lots and the right of way be recorded in the land records.

The applicant asked the DRB if they needed to designate a specific location for the right-of way. Mark Sammut confirmed that there were three lots with the applicant and then stated that if a title was ever transferred for a property it would be in the best interest to define the right-of-way.

Staff suggested that the right-of-way follow the existing High Acres Farm Road. The DRB then discussed that lot one has an approved access and questioned how lot one would get to lot three. The applicant explained that the main house was constructed prior to Zoning and therefore has a grandfathered access but the easement agreement would make the access official.

David Hillman asked if staff was suggesting that the property be surveyed and tied to the property lines, so it is defined on the maps. The applicant indicated they would be fine with officially defining the easement location.

The DRB discussed how to establish an enforceable right-of-way and agreed that it should be surveyed and recorded in the land records. Mark Sammut suggested that the mylar be stamped by a licensed surveyor. Joanna Watts asked if should also be reviewed by the Town Attorney as suggested by staff. With the exception of Jeff Pauza, it was agreed that the easement agreement will need to be reviewed by the Town Attorney prior to recording it in the land records.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Required Access/Frontage, Request for 20' right-of-way and legal access, 236 High Acres Farm Road, Selin and Selin Architecture (RFA18-01)

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to finalize the record and close the hearing for RFA18-01 for 236 High Acres Farm Road by Selin and Selin Architecture, and to direct staff to prepare a decision to indicate approval for 20' right-of-way access and right-of-way agreement with the following conditions:**

- 1. A Mylar shall be recorded within 180 days.**
- 2. The Mylar shall include all three lots as existing, contain a depiction of the 20' right-of-way, and be stamped by a licensed surveyor prior to being recorded.**
- 3. The Mylar and legal documents shall be reviewed and approved by the Zoning Administrator and Town Attorney prior to being recorded in the land records.**

**VOTING: Concurring-Six, Dissenting-One (Jeff Pauza); 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**

David Marshall, Civil Engineering Associates, LLC., appeared on behalf of the application.

#### Submittals:

- Cover Letter prepared by Civil Engineering Associates (CEA), dated and received 03/14/18;
- Site Plan Application, received 03/14/18;

- General Information Application, received 03/14/18;
- Rice Lumber Valuation of Permitted Landscaping Plan, received 03/14/18;
- Rice Lumber Valuation of Proposed Landscaping Plan, received 03/14/18;
- Existing Conditions Photographs, received 03/14/18;
- Site Plan Set
  - o Landscaping Plan-L1;
  - o Grading & Drainage Plan South- C2.0;
  - o Rice Lumber Warehouse and Storage Shed, A-1.1;
  - o Rice Lumber Warehouse and Storage Shed, A-3.0;
  - o Rice Lumber Warehouse and Storage Shed, A-4.0

#### STAFF REPORT

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

#### APPLICANT COMMENTS

Dave Marshall explained that there are six holes on the East side of the road and that the new owners of the property would like to construct those six gold holes on the West side of the course to maintain an 18-hole configuration. He went on to explain that four of the proposed holes are within the existing footprint of the golf course and that two of the proposed holes are in a portion of the property that is forested and would abut the Beaver Creek neighborhood. The Southeast quadrant of the plans underwent revisions that represent less impact on wetland, streams and the forested area after working with the State of Vermont and the Shelburne SNRCC. He also stated that they had been in discussions with the residents of Beaver Creek to incorporate their comments and address their concerns and had reached an agreement that would increase the buffering from the Beaver Creek subdivision. He requested that the DRB move two new sheets into the record.

Joanna Watts inquired about Stormwater to which staff replied that Dave Wheeler was preparing a narrative that was not available at the time of the application. Dave Marshall indicated that the project is required to get a State Stormwater Permit and has made it to technical review and so he didn't feel the comments were necessary. The DRB agreed with the applicant.

Dave Marshall explained the layout of the proposed golf course and the work within the clubhouse area including widening the Southern end of the parking area to mitigate the loss of parking at the Northern area. The result would be a net increase of 10 parking

spaces on the East side of the road. The proposal would also introduce additional landscaping to screen the parking and separate the golf area from the parking area.

Staff suggested the DRB contemplate if the tee areas and golf cart paths would be considered a structure to determine what setbacks would be required. The DRB held a discussion about what would be considered a building or landscaping. It was decided that further deliberation would be needed to make a final determination.

Joanna Watts inquired about the proposed buffer. The DRB agreed the buffer should be maintained with no tree removal and discussed how to delineate the limits of disturbance. Dave Marshall indicated that the property owner would be comfortable with a condition of approval that a licensed surveyor to establish the clearing limits. The DRB agreed.

Staff asked if there would be any additional water needs. Dave Marshall explained that no additional water would be needed.

**MOTION by Mark Sammut, SECOND by Joanna Watts to move Exhibit “A” into the Record for SP18-03\CU18-01.**

**VOTING: Unanimous (7-0); Motion Carried**

#### PUBLIC COMMENT

Nathaniel Burris introduced himself as a neighboring property owner and explained that he and Dave Marshall had been discussing the application for a number of months and came to an agreement. He went on to explain that as part of the agreement he and the applicant agreed that they would like the DRB to consider a condition of approval that required a buffer along the property line shared with the Golf Course and the Beaver Creek Subdivision.

#### DELIBERATION/DECISION

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 (SP18-03\CU18-01)

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record and close the hearing for SP18-03\CU18-01 for 5531 Spear Street by Civil Engineering Associates.**

**MOTION by Joanna Watts, SECOND by Mark Sammut to enter into Deliberative Session.**

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

**6. OTHER BUSINESS/CORRESPONDENCE**

None.

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

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

The meeting was adjourned at 9:18 PM.