

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  
May 16, 2018**

- MEMBERS PRESENT:** Joanna Watts (Chair); Mark Sammut, Jeff Pauza, Lisa LaMantia, Ian McCray. (Jeff Hodgson and David Hillman were absent.)
- STAFF PRESENT:** Kaitlin Mitchell, DRB Administrator [via telephone]; Lee Krohn, Interim Town Manager; Kevin Unrath, Pierson Library Director.
- OTHERS PRESENT:** Dave Marshall, Jim Gernander, Charli Kail, John Helzer, David Hall, Mary Kehoe, Jeff Zweber, Mark Neagley, Megan Nedzinski, Peter Gibbs, Andrea Murry, Charlotte Albers, Cathy Townsend, Ruth Hagerman, Gail Albert, John Askew, Lisa Merrill, Laureen Mathon, Ann Smallworth, Andrew Martin.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (5/2/18)
4. Applications
  - Design Review, Free Standing Sign Replacement, 5573 Shelburne Road, Helzer (DR18-10)
  - Design Review, Rebuild Garage, Porch, 730 Falls Road, Nassar (DR18-11)
  - Conditional Use\Site Plan, Expand Nonconforming Structure, 5531 Spear Street, RAN Investments Vermont, LLC (CU18-02\SP18-04)
  - Final Plan\Design Review, Mixed Use PUD, Library and Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05\DR18-01)
5. Other Business
6. Adjournment

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Chair Joanna Watts called the meeting to order at 7:07 PM.

**2. PUBLIC COMMENT**

There were no comments from the public at this time.

**3. APPROVAL OF MINUTES**

*May 2, 2018*

**MOTION by Joanna Watts, SECOND by Ian McCray, to approve the minutes of 5/2/18 as written. VOTING: unanimous (5-0); 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.

**DR18-10: Design Review to replace an existing free-standing sign at 5573 Shelburne Road in the Village Center District, Stormwater Overlay District, and Village Design Review Overlay District by 5573 Shelburne Road, LLC (John Helzer)**

John Helzer appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Site Plan
- Aerial photograph of property
- Image of proposed sign with dimensions noted
- Town of Shelburne Staff Report, dated 5/16/18

STAFF REPORT

The DRB received a written staff report on the application, dated 5/16/18

APPLICANT COMMENTS

John Helzer said the new sign panel will be put in the same structure as the former sign on the site.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Sign, 5573 Shelburne Road, 5573 Shelburne Road, LLC (DR18-10)

**MOTION by Joanna Watts, SECOND by Ian McCray, to grant design review approval of DR18-10, application by 5573 Shelburne Road, LLC (John Helzer) to replace a free-standing sign panel as submitted and with the condition a sign permit shall be required prior to the installation of the new sign panel. VOTING: unanimous (5-0); motion carried.**

**DR18-11: Design Review to rebuild a garage and porch at 730 Falls Road in the Village Residential District, Stormwater Overlay District, and Village Design Review Overlay District by James and Kimberly Nassar, Jr.**

No one appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application

- Google Earth aerial image of the property
- Photographs of the existing structure
- Computer generated images of replacement structure
- Catalog sheets for proposed windows and doors
- Proposed decking material catalog sheet
- Town of Shelburne Staff Report, dated 5/16/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 5/16/18.

#### APPLICANT COMMENTS

None.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Design Review, Replace garage, porch, 730 Falls Road, Nassar (DR18-11)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to grant design review approval of DR18-11 by James and Kimberly Nassar, Jr. to replace a garage and porch at 730 Falls Road as outlined in the application materials with the condition a zoning permit shall be required prior to the commencement of construction.**

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

**CU18-02\SP17-04R2: Conditional Use and Site Plan to expand a pre-existing nonconforming structure at Kwiniaska Golf Course with the addition of a 700 s.f. deck on the back of the clubhouse at 5531 Spear Street in the Rural District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by RAN Investments Vermont, LLC**

Dave Marshall with CEA and Jim Gernander, Kwiniaska, appeared on behalf of the application.

#### Submittals:

- Cover letter prepared by CEA, dated and received 4/10/18
- General Information Application, received 4/10/18
- Site Plan Application, received 4/10/18
- Conditional Use Application, receive 4/10/18
- Site Plan Criteria Supplement, received 4/10/18
- Kwiniaska Lot Modifications Narrative, received 4/10/18

- Email from Devin Colman, State Architectural Historian, dated 3/27/18 and received 4/10/18
- Vermont Division of Historic Preservation Determination of Eligibility Form, received 4/10/18
- Existing conditions photos, received 4/10/18
- Existing conditions site plan, dated 2/18 and received 4/10/18
- Existing conditions partial site plan non-developable areas, dated 2/18 and received 4/10/18
- Proposed conditions site plan, dated 2/18 and received 4/10/18
- Town of Shelburne Staff Report, dated 5/16/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 5/16/18.

#### APPLICANT COMMENTS

Dave Marshall said the existing clubhouse is in the 100' setback off Spear Street. The deck is proposed for the back of the building along with an awning and some landscaping. The deck and awning will not be seen from Spear Street. A plan for the 93 acre property showing setbacks has been submitted to complete the record. The applicant has been working with the Planning Commission to change the zoning regulations for nonconforming structures in the Rural District. Regarding the height of the structure, the awning will be 15'. Zoning allows a height of 35'. There will be a total of 80 seats for the clubhouse (inside and outside combined). There is no increase in water or sewer demand. The proposed porch will provide additional enjoyment for the members and guests at the golf course.

There was discussion of lighting. Dave Marshall said no changes to lighting are proposed. Any lights shining on the new deck would be spillover from inside the building. Jeff Pauza stated any new lighting must conform to the town's lighting standards.

Lisa LaMantia asked how the interior area on the east side of the clubhouse will be used if the seating is moved outside. Dave Marshall said the area will remain open to provide more space inside the building.

There was discussion of landscaping. Kait Mitchell said the deck will be an attractive condition that does not need landscaping. The regulations mention a landscape plan prepared by a qualified professional, but the applicant in this case is not required to put in landscaping.

Joanna Watts pointed out for future reference the expansion of the nonconforming structure is 17.5%. Total allowed expansion of the existing structure is 25%. Joanna Watts asked about the comments on the building being historic. Dave Marshall said there have been many changes to the building over time and it is no longer a contributing architectural feature in the area so the proposed deck is not impacting the historical character.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Conditional Use\Site Plan, Expand Nonconforming Structure, Kwiniaska Clubhouse, 5531 Spear Street, RAN Investments Vermont, LLC (CU18-02\SP18-04)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU18-02\SP18-04 for expansion of a nonconforming structure at 5531 Spear Street by RAN Investments Vermont, LLC as depicted in the materials filed for the record and with the following conditions:**

1. **The structure (deck) shall not exceed the height of the existing building as depicted in the picture in the Staff Report, dated 5/16/18.**
2. **A zoning permit shall be required prior to commencing land development.**
3. **Seating capacity shall be limited to a total of 80 seats.**
4. **Landscaping shall be installed prior to expiration of the zoning permit for the project.**

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

**SUB17-05\DR18-01: Final Plan\Design Review for a Mixed Use Planned Unit Development for reconstruction of the Library and renovations to Town Hall and upgrades to the municipal campus at 5376, 5420, 2141, 2137, 5404 Shelburne Road in the Village Center District, Village Design Review, Village Core, and Stormwater Overlay District by Town of Shelburne**

Andrea Murray and Megan Nedzinski, Vermont Integrated Architects, Peter Gibbs and Jeff Zweber, Engineering Ventures, and Charlotte Albers, Paintbox Garden Design, appeared on behalf of the application.

#### Submittals:

- Final Plat (Plan) Review Application, received 4/10/18
- Final Plat Review Description, received 4/10/18
- Natural Resource Atlas Map, received 4/10/18
- Project Review Sheet, received 4/10/18

- Context Map, received 4/10/18
- Site Plan Set, received 4/10/18
- Elevations, received 4/10/18
- Flood Plans, received 4/10/18
- Stormwater narrative, received 4/18/18
- Stormwater workbooks, received 4/18/18
- Stormwater worksheets, received 4/28/18
- Stormwater modeling, received 4/18/18
- Stormwater plans, received 4/18/18
- NOI, received 4/18/18
- ANR Stormwater Discharge Permit, received 4/18/18
- Fire apparatus movement letter prepared by Engineering Ventures, PC, received 4/24/18
- Fire Department letter, received 4/24/18
- DRB decision responses, received 4/24/18
- Site photometrics, received 4/24/18
- Site photometrics lighting cut sheets, received 4/24/18
- Sketch Plan Record
- Preliminary Plan Record
- Town of Shelburne Staff Report, dated 5/2/18
- Proposed Site Lighting Overview, received 5/9/18
- Master Landscape Plan prepared by Charlotte Albers, Paintbox Garden Design, dated and receive 5/9/18
- Landscape Plan set
- Landscape Key
- Lighting Plan Narrative, received 5/9/18
- Lighting Plan Set, received 5/9/18
- Town of Shelburne Staff Report, dated 5/16/19

#### STAFF REPORT

The DRB received a written staff report on the application, dated 5/16/18

#### APPLICANT COMMENTS

Peter Gibbs reported the project has a state storm water permit and has made application for amendment for less impervious area and less required storm water treatment. It is expected the amendment will be approved.

Andrea Murray noted the landscaping plan and lighting plan were submitted.

**MOTION by Joanna Watts, SECOND by Jeff Pauza, to admit into the record as Exhibit 1 the landscape plan, Sheets LA1.1, 1.2, 1.3. VOTING: unanimous (5-0); motion carried.**

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to admit into the record as Exhibit 2 the lighting plan, Sheet L1.4C Revised, and as Exhibit 3 the Summary of the Proposed Lighting Plan. VOTING: unanimous (5-0); motion carried.**

Charlotte Albers, Paintbox Garden Design, reviewed proposed landscaping for the site with sustainable, regional, hardy plantings that will provide a nice visual as well as biodiversity and be able to filter storm runoff. Larger trees are proposed and will beautify the setting from the street view. The Garden Club and Friends of Pierson Library will maintain the gardens.

There was lengthy discussion of plantings in the parking lot hindering line of sight of pedestrians. There was agreement the height of the plants in the parking lot area will not exceed 12". Lisa LaMantia asked about having a bench and patio. Andrea Murray said the patio will be built if the budget allows otherwise the area will be lawn.

Kait Mitchell said an updated cost estimate for landscaping is needed if the amount of landscaping is increased. The landscaping plan that was presented is acceptable.

Megan Nedzinski reviewed three lighting plans, one for just the project and the other two including existing lights on the campus. The lighting plan for the project (Plan A) is preferred, but Plan C with two additional lights to illuminate the north side of the driveway would be feasible if the budget allows. Hours of operation of the lights will be one hour before start of the library hours and no later than 11 PM or close of business whichever is later.

Kait Mitchell noted all the proposed lighting is in conformance. The existing lights in the town center are not in conformance with the bylaws. In the past pre-existing, non-conforming lighting that is not being altered has not been required to be brought into conformance. Jeff Pauza said the project is changing the entrance and exit to the site so the lighting should be addressed especially by the pedestrian crosswalk. The consultants pointed out the crosswalk by the entryway near Route 7 is in the state's right-of-way and not the town's property.

#### **PUBLIC COMMENT**

David Hall, Shelburne Tree Warden and landscaping professional, provided advice on the location of the hardscape path by the 100 year old cedar trees and trees along the entrance

to the campus. Mr. Hall suggested replacing any Ash trees with a different species. Also the trees that will remain, including the cedars, should be protected during construction.

**DELIBERATION/DECISION**

Final Plan/Design Review, Mixed Use PUD, Library and Municipal Campus, 5376, 5420, 2141, 2137, 5404 Shelburne Road, Town of Shelburne (SUB17-05\DR18-01)

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to close the hearing, finalize the record, and direct staff to prepare a decision to indicate Final Plan approval of DR18-01 and SUB17-05 for a Mixed Use PUD on the municipal campus and library at 5376, 5420, 2141, 2137, 5404 Shelburne Road by the Town of Shelburne with the following conditions:**

1. A zoning permit shall be required prior to commencing land development.
2. A Certificate of Occupancy shall be required.
3. Plantings in the landscape plan for the parking lot area shall be replaced with plants/shrubs no greater than 12” in height.
4. There shall be a fenced protection area around the existing cedar trees during construction.
5. Ash trees by the entryway shall be removed and replaced with four crabapple trees, two on each side of the entryway.
6. The path shall be realigned to stay out of the drip line of the trees.
7. The proposed new crabapple tree by the new library building shall be relocated if necessary.

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

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to authorize the applicant (Town of Shelburne) to demolish the 1983 library structure per the written recommendation of Shelburne Historic Preservation & Design Review Committee and prepare a Final Plat application with the following conditions:**

1. A zoning permit shall be required before beginning land development.
2. A final written recommendation from Shelburne Historic Preservation & Design Review Committee shall be required prior to selection of the clapboard color.
3. A two year performance bond shall be required prior to issuance of a Certificate of Occupancy.
4. A Certificate of Occupancy shall be required.
5. Prior to the issuance of a Certificate of Occupancy all landscaping shall be installed and inspected by the Administrative Officer for compliance to the plan.
6. As-built plans showing the position of the building, underground utilities and such shall be provided as part of the Certificate of Occupancy application.



**7. A sign permit shall be required prior to installation of any signage.  
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 8:50 PM.

*RScy: MERiordan*