

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
June 20, 2018**

MEMBERS PRESENT: Ian McCray (Vice Chair); Mark Sammut, Jeff Pauza, Jeff Hodgson, David Hillman. (Joanna Watts and Lisa LaMantia were absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Terri Price, Alan Kirkpatrick, Dave Farrington, Sr. Chris Galipeau, Jeremy Matosky, Chris Snyder, Persis Worrall, Dave Farrington, Jr. Jim Farrington.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (6/6/18)
4. Applications
 - Design Review, Replace Windows, Siding, Gutters, 787 Falls Road, Terri Price (DR18-13)
 - Sketch Plan, Gravel Parking Area, 3328 Shelburne Road, The Automaster, LLC (SUB12-07R4)
 - Preliminary Plan, Subdivision, Two Lots, 6747 Spear Street, Kirkpatrick (SUB17-03)
 - Preliminary Plan, Subdivision, Four Lots, 4788 Spear Street, Farrington (SUB17-04)
 - Preliminary Plan Extension, Six Months, 0 Spear Street, Snyder Custom Homes (SUB16-02)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

In the absence of Chair Joanna Watts, Vice Chair Ian McCray called the meeting to order at 7 PM. David Hillman said he will recuse himself from the Farrington application.

2. PUBLIC COMMENT

There were no comments from the public at this time.

3. APPROVAL OF MINUTES

June 6, 2018

MOTION by Ian McCray, **SECOND** by Jeff Pauza, to approve the minutes of 6/6/18 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.

DR18-13: Design Review to replace siding, windows, soffits, and gutters on a single family dwelling at 787 Falls Road in the Shelburne Village Residential District, Village Design Overlay District and Stormwater Overlay District by Terri Price

Terri Price appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Google Earth images of property and house
- Catalog sheets for proposed siding and windows
- Color swatch for proposed siding
- Town of Shelburne Staff Report, dated 6/20/18

STAFF REPORT

The DRB received a written staff report on the application, dated 6/20/18.

APPLICANT COMMENTS

Terri Price explained a new roof was put on the house and the next step is new gutters, siding and windows. The windows will blend with the character of the house.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Replace Siding, Windows, Gutters, Soffits, 787 Falls Road, Terri Price (DR18-13)

MOTION by Ian McCray, SECOND by Mark Sammut, to grant design review approval of DR18-13, application by Terri Price to replace the siding, windows, gutters, and soffits at 787 Falls Road with the following conditions:

1. Applicant has the option to install 6-over-6 or 1-over-1 double hung windows rather than 8-over-8 double hung windows.
2. The front picture window panes shall be proportional in size to the double hung window panes.
3. A zoning permit shall be required prior to commencement of construction.

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

SUB12-07R4: Sketch Plan to amend the approved Commercial PUD to regrade a grass and gravel area to create a gravel parking area for vehicle inventory on the western edge of the site at 3328 Shelburne Road in the Mixed Use District,

Stormwater Overlay District, and Floodplain and Watercourse Overlay District by The Automaster, LLC

Jeremy Matosky, Trudell Engineering, appeared on behalf of the application.

Submittals:

- Cover letter, received 5/18/18
- Sketch Plan Review Application, received 5/18/18
- General Application Form, received 5/18/18
- Property Owner Authorization Form, received 5/18/18
- Parking Summary Table, received 5/18/18
- Dimensional Requirements Table, received 5/18/18
- Site Plan Set
- Town of Shelburne Staff Report, dated 6/20/18

STAFF REPORT

The DRB received a written staff report on the application, dated 6/20/18.

APPLICANT COMMENTS

Jeremy Matosky said the Honda expansion project is delayed for a year so the car dealership would like inventory space to store new cars and trade-ins. The existing gravel lot for vehicle storage will be extended to the east and south of the paved lot. The state storm water permit covers all the impervious surface on the parcel. The existing gravel lot behind the buildings is used for employee parking and temporary storage of vehicles.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Amend PUD for Gravel Parking Area, 3328 Shelburne Road, The Automaster, LLC (SUB12-07R4)

MOTION by Mark Sammut, SECOND by David Hillman, to finalize the record, close the hearing, and authorize the applicant, The Automaster, LLC, to prepare a Preliminary Plan application to amend the PUD for a gravel parking area at 3328 Shelburne Road with the condition comments shall be obtained from the appropriate departments per Section 600(28) of the regulations. VOTING: unanimous (5-0); motion carried.

SUB17-03: Preliminary Plan for a two lot subdivision at 6747 Spear Street in the Residential District and Stormwater Overlay District by Alan Kirkpatrick

Chris Galipeau with Civil Engineering and Alan Kirkpatrick appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 10/10/17
- Attachment “A” Sketch Plan Review Application information
- Attachment “B” Sketch Plan Review Checklist
- Email addressing Section 300(13) of the Subdivision Sketch Plan Application requirements
- Sketch Plan, dated 10/5/17 and received 10/10/17
- Staff Report for DRB meeting November 1, 2017
- Cover letter prepared by Civil Engineering Associates, dated 5/15/18
- Preliminary Plan Review Application, received 5/16/18
- Site Plan Set
- Shelburne Natural Resources and Conservation Committee review approval, dated 5/9/18
- Copies of statements certifying the applicant was informed of the responsibility to obtain permits before beginning construction per Section 600(28), received 4/30/18
- Town of Shelburne Staff Report, dated 6/20/18

STAFF REPORT

The DRB received a written staff report on the application, dated 6/20/18.

APPLICANT COMMENTS

Chris Galipeau explained the proposal to subdivide a four acre parcel to form a 1.7 acre lot on the north side of the existing residence. The new lot will be served by a drilled well, onsite septic with a pump force main, and a driveway off the access to the existing Kirkpatrick house and the lot to the south. The sewer connection will be to the Kirkpatrick private sewer line. Legal counsel will prepare a revised legal agreement. A state waste water permit will be secured. Regarding the requirement to install sidewalk along the front of the property, there is no sidewalk now on this portion of Spear Street and there is benefit to maintaining the existing vegetative buffer. Paul Goodrich, Highway Superintendent, is not in favor of maintaining a section of sidewalk going nowhere. There is a bike path along Spear Street and the DRB can approve an alternate facility to a sidewalk such as a bike lane or path.

Ravi Venkataraman explained the intent of the bylaw is to build the sidewalk/path facility piecemeal until complete along the road per Complete Streets. The rule has been in force

for developments to have sidewalk on at least one side of the road. Following further discussion the DRB agreed a bike/ped path would be acceptable rather than sidewalk.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, Two Lots, 6747 Spear Street, Kirkpatrick (SUB17-03)

MOTION by Ian McCray, SECOND by David Hillman, to authorize the applicant for SUB17-03 (Alan Kirkpatrick) for a two lot subdivision at 6747 Spear Street to prepare a Final Plat Application conforming to the layout shown on the Preliminary Plan and with the following recommendations:

- 1. Written permission shall be obtained to connect to the private waste water line as proposed on the site plan.**
- 2. The existing bike/ped path on Spear Street will suffice as a new sidewalk.**

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

SUB17-04: Preliminary Plan for a proposed four lot subdivision at 4788 Spear Street in the Residential District, Stormwater Overlay District, and a portion of the Floodplain and Watercourse Overlay District by David Farrington

David Hillman recused himself. Chris Galipeau, CEA, and David Farrington appeared on behalf of the application.

Submittals:

- Cover letter for Sketch Plan Review Application prepared by Civil Engineering Associates, dated 10/4/17
- General Application Form, received 10/4/17
- Sketch Plan Review Application, received 10/4/17
- Building Permit Copy 8485-73
- Building Permit Copy 8686-79
- Sketch Plan, dated 9/20/17 and received 10/4/17
- Staff Report for Sketch Plan Application for 11/1/17 DRB meeting
- Memorandum from Chris Robinson, Water Quality Superintendent, dated 3/27/18
- Cover letter for Preliminary Plan Review and Site Plan Review applications, dated 4/2/18
- Comments from Fire Chief Ouimet, Shelburne Volunteer Fire Department, dated 4/27/18
- Preliminary Plan Review Application, received 4/30/18
- Site Plan Review Application, received 4/30/18
- General Application Form, received 4/30/18

- Letter from Amy Escott, Esq. with Escott Legal Services, dated 4/23/18 and received 4/30/18
- Site Plan Set
- Documentation per Subdivision Regulations Section 600(28), received 4/30/18
- Town of Shelburne Staff Report, dated 6/20/18

STAFF REPORT

The DRB received a written staff report on the application, dated 6/20/18. Ravi Venkataraman said an opinion from the Town Attorney on the legal status of Lot 3 and the construction business is anticipated, but not yet received.

APPLICANT COMMENTS

Chris Galipeau explained the proposed subdivision from the 23.55 parent parcel owned by David Farrington. There will be a 2.7 acre lot for the Farrington Construction building/barn, a 2.88 acre lot for the existing residence, a 2.01 acre lot for a new single family dwelling, and a 16 acre lot (Lot 2) as open, undeveloped land. In the long term Lot 2 may be developed. The site has onsite septic and a state waste water permit. The new proposed lot for the single family house will eventually have an onsite septic system and drilled well. At some point if there is capacity for municipal water service then connection will be made. Regarding the construction business, David Farrington consulted with his attorney and a letter was submitted to the town in April 2017. The town departments and committees took a long time to comment on the application and after seven and a half months the Town Attorney still has not responded which is holding up the application. There are no changes to the application. The property has been surveyed. The construction company has been in existence for the past 33 years.

David Farrington said he obtained a permit for the warehouse and office in the barn, but current town staff disagreed with the decision of the person who issued the permit at the time. The town has been charging taxes for a commercial use for the past 33 years however.

Chris Galipeau mentioned the requirement for sidewalk and said the preference is to do a bike/ped path. There is a water line in the right-of-way which would be under the sidewalk. Regarding tree preservation and protection, Lot 4 is mostly cleared. Other than routine maintenance and logging that is occurring now there will be no tree clearing. The new homeowner may decide to do some tree cutting for the new single family house. Landscaping will be consistent with a single family house and determined when the permit is issued. The property owner is aware of tree cutting and wildlife preservation if there is development on the larger lot (Lot 2). The proposed subdivision will not affect Monroe Brook which is to the south.

Chris Galipeau said the well data will be provided at Final Plan review. The wells have adequate water capacity. The state requires the well information for the permit.

PUBLIC COMMENT

Persis Worrall, neighbor, urged reconciling the legal issues with the permits so the machinery storage and office use does not turn into a different commercial use in a residential area in the future. Ms. Worrall offered to meet with Mr. Farrington and town staff to resolve the boundary line issue between her property and the Farrington property. Chris Galipeau offered to go over the survey with Ms. Worrall. David Farrington said the barn is used as an accessory to the construction business to do office work, painting, and Formica top work. Use of the barn is not changing. Jeff Pauza suggested a document listing the uses in the barn be submitted to the town.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, Four Lots, 4788 Spear Street, Farrington (SUB17-04)

MOTION by Ian McCray, SECOND by Jeff Pauza, to authorize David Farrington, the applicant for SUB17-04 for a four lot subdivision at 4788 Spear Street, to prepare a Final Plat conforming to the layout shown on the Preliminary Plan with the following recommendations:

1. The existing bike/ped path on Spear Street will suffice as a new sidewalk.
2. The applicant shall document the current uses of the barn on Lot 3.

VOTING: unanimous (4-0); motion carried.

David Hillman returned to the DRB.

SUB16-02: Preliminary Plan Extension for six months for the PUD at 0 Spear Street in the Residential District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by Snyder Custom Homes

MOTION by Jeff Pauza, SECOND by Ian McCray, to approve a six month extension of the Preliminary Plan for SUB16-02 for the PUD at 0 Spear Street by Snyder Custom Homes. VOTING: unanimous (5-0); motion carried.

5. OTHER BUSINESS/CORRESPONDENCE

There was discussion of the town obtaining easements for sidewalks and bike paths in the future rather than putting the burden for these facilities on the property owner. Another option would be to have the developer contribute to a fund to build the facilities in the future. The bylaws may need to be amended so the Planning Commission should review the matter.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Ian McCray, SECOND by Jeff Pauza, to adjourn the meeting.

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

The meeting was adjourned at 8:25 PM.

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