

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
JULY 1, 2020**

***Meeting held by teleconference.**

MEMBERS PRESENT: Mark Sammut [arrived 7:15 PM], Mike Major, John Day, Anne Bentley, Allyson Myers [arrived 7:08 PM], Robert “Zeke” Plante. (David Hillman and Doug Griswold were absent.)

STAFF PRESENT: Britney Aube, DRB Coordinator.

OTHERS PRESENT: Scott Baker, Kevin Dwyer, Mike and Kathy Deavitt, Anne and Charles Joseph, Bob Duncan, Dan Emmons.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (6/17/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Final Plan, Subdivision, Three Lots, 157 Maple Leaf Lane, B&R Developers (SUB19-10\FBZ19-02)
 - Final Plan, Re-Subdivision, One Lot, 6529 Spear Street, Dwyer (SUB20-01)
 - Final Plan Amendment, Structure Size, 203 Pheasant Hill Lane, Joseph (SUB20-02)
 - Conditional Use, Sign, 4584 Harbor Road, Safe Harbor Shelburne Shipyard (CU20-04)
 - Preliminary Plan, PUD Re-Subdivision, One Lot, 25 & 121 Deavitt Farm Road and 28 Northern Heights Drive, Deavitt (SUB98-08R1)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

In the absence of Chair David Hillman and until the arrival of Vice Chair Sammut, John Day facilitated the teleconference meeting and called to order at 7 PM, held roll call, and explained the procedure to be followed.

2. PUBLIC COMMENTS

There were no comments at this time from the public.

3. MINUTES

June 17, 2020

MOTION by Mike Major, SECOND by Zeke Plante, to approve the minutes of 6/17/20 as presented. VOTING by roll call: unanimous (4-0) [Mark Sammut and Allyson Myers not present for the vote]; motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Mike Major said he will recuse himself from the B&R application at 157 Maple Leaf Lane (SUB19-10\FBZ19-02) and is acquainted with the Deavitts through the Boys Scouts. Brit Aube noted the B&R application has been withdrawn. The DRB felt recusal would not be necessary for the Deavitt application.

Those present at the meeting were asked if anyone had any concerns about the participation of any DRB member in any matter on the agenda. No concerns were raised.

5. 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.

SUB19-10\FBZ19-02: Final Plan for a three lot residential subdivision reviewed under Form Based Code at 157 Maple Leaf Lane in the Mixed Use District, Stormwater Impaired Watershed Overlay District, and Shelburne Road Form Based Overlay District by B&R Developers

Britney Aube reported the applicant withdrew the application.

SUB20-01: Final Plat Review for a two lot residential re-subdivision to create one new building lot at 6529 Spear Street in the Residential District and Stormwater Overlay District by Kevin Dwyer

Scott Baker with Barnard & Gervais, LLC appeared on behalf of the application.

Submittals:

- Cover letter from Scott Baker, Barnard & Gervais, LLC, dated 5/7/20
- Final Plan Review Application
- Attachment “A” Final Plan Review Application Information
- Department Head letters
- Copy of “Agreement Regarding Sewer Line” recorded in Shelburne land records (v455p468)
- State WW permit (WW-4-5402)
- Town of Shelburne Staff Report, dated 7/1/20

STAFF REPORT

The DRB received a written staff report on the application, dated 7/1/20. Britney Aube explained the proposal to re-subdivide to create a new lot for a single family dwelling. The necessary legal documents and stormwater details are needed prior to a permit being issued. If blasting will be done a blasting plan must be submitted.

APPLICANT COMMENTS

Scott Baker reviewed the project to create a new 1.76-acre lot for a four bedroom house. Setbacks are met. The building envelope was tightened and the sewer connection revised per the comments from the town’s department heads. A blasting plan will be provided per

the requirements. There is an erosion prevention plan with the standard measures. The project has a wastewater permit from the state.

There was discussion of a sewer line maintenance agreement for the private sewer line. Kevin Dwyer said there was no interest by the neighbors to form an association and have a shared maintenance agreement for the sewer line. The existing houses have tied into the sewer line sporadically. A letter of permission to tie into the sewer line has been submitted.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Re-Subdivision, One Lot, 6529 Spear Street, Dwyer (SUB20-01)

MOTION by Zeke Plante, SECOND by Anne Bentley, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of SUB20-01, application by Kevin Dwyer to re-subdivide a lot to create a new building lot at 6529 Spear Street in the Residential District and Stormwater Overlay District, with the following conditions:

- 1. The applicant must furnish a mylar of the Final Plat for signature by the DRB Chair and record the plat in the Shelburne land records within 180 days of the signed approval pursuant to Shelburne Subdivision Regulations, Section 1050.2.**
- 2. All legal documents must be submitted at the time of the Final Plat with review by the Town Attorney as needed pursuant to Shelburne Subdivision Regulations, Section 610(12).**
- 3. The applicant must supply a site plan detailing stormwater treatment details and EPSC measures prior to submitting a zoning permit application, and the supplemental plan should be reviewed by the Shelburne Water Quality Superintendent to ensure compliance with the town's regulations.**
- 4. The applicant must provide a blasting plan and notice of when blasting is to occur prior to commencing blasting activities on the site.**
- 5. The applicant must apply for a building permit prior to commencement of construction.**

VOTING by roll call: 4 ayes, one abstention (Allyson Myers) [Mark Sammut not present for vote]; motion carried.

SUB20-02: Final Plan Amendment to the second structure size restriction on the lot at 203 Pheasant Lane (one of the eight lots in the Pheasant Hill Planned Residential Development) in the Rural District and Lakeshore Overlay District by Anne and Charles Joseph

Bob Duncan with Duncan Wisniewski Architecture appeared on behalf of the application.

Submittals:

- Cover letter from Duncan Wisniewski Architecture, dated 6/8/20
- General Permit Application Form

- 1983 Pheasant Hill Final Plan motion as approved by the Planning Commission on 9/22/83
- Proposed revised condition language
- Zoning opinion OP05-07, issued in 2005
- Email from Pheasant Hill Homeowners Association
- Town of Shelburne Staff Report, dated 7/1/20

STAFF REPORT

The DRB received a written staff report on the application, dated 7/1/20. Britney Aube explained the PUD approval in 1983 allowed two principal structures on one lot, but the guest house had a size limit of 1,500 s.f. per the regulations. The language of the regulation can be modified to remove the restriction. There was discussion of different interpretation of the language in the regulations regarding when the permit is issued versus date of the regulations.

APPLICANT COMMENTS

Bob Duncan stated the accessory structure on the property was built prior to the main residence. The accessory structure has a barn below with a residential unit above. The primary structure is now built. The property owner would like to have a guest house, but the size would exceed the 1,500 s.f. limit so the request is to change the language in the 1983 PRD to eliminate the size restriction. The septic is designed for six bedrooms. The principal house has three bedrooms and the guest house would have three bedrooms. The homeowners association has no objection to the language change. The existing garage will remain. The living space in the guest cottage will be 2,400 s.f. which is less than 50% of the principal structure.

Britney Aube stated the limit on the guest house size per the 1983 language was an unintended consequence. John Day pointed out the building permit ties the structure into the current regulations so the language could be clarified by adding “then in effect at the issuance of the building permit”.

PUBLIC COMMENT

A member of the Pheasant Hill Homeowners Association confirmed the change to the regulations will apply to all properties.

DELIBERATION/DECISION

Final Plan Amendment, Structure Size, 203 Pheasant Hill Lane, Joseph (SUB20-02)

MOTION by Mark Sammut, SECOND by Mike Majors, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of SUB20-02, Final Plan amendment of the building size restriction on the lot at 203 Pheasant Hill Lane in the Pheasant Hill PRD by Anne and Charles Joseph with the following conditions:

- 1. The applicant must file a zoning permit application prior to the conversion of the accessory structure to a guest house and file a Certificate of Occupancy application when the work is complete.**

2. The decision prepared by staff will include the revised condition language as presented in the document entitled “Request to Amend Original Final Plan Approval Motion” prepared by Bob Duncan on behalf of Anne and Charles Joseph.

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

Mark Sammut assumed facilitation of the meeting.

CU20-04: Conditional Use for modification/replacement of a nonconforming sign due to limited distance to the right-of-way at 4584 Harbor Road in the Rural District and Lakeshore Overlay District by Safe Harbor Shelburne Shipyard

Dan Emmons appeared on behalf of the applications.

Submittals:

- Conditional Use Application, dated 6/5/20
- Safe Harbor sign details
- Quit claim easement deed for right-of-way
- Marked up site plan depicting sign location
- Authorization email from Mark Lurvey
- Town of Shelburne Staff Report, dated 7/1/20

STAFF REPORT

The DRB received a written staff report on the application, dated 7/1/20. Britney Aube stated Safe Harbor is rebranding and wants a new sign of the same size and in the same location. The sign is nonconforming because it is in the right-of-way.

APPLICANT COMMENTS

Dan Emmons with Fast Signs explained the plan to replace the existing sign with the new sign.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Sign, 4584 Harbor Road, Safe Harbor Shelburne Shipyard (CU20-04)
MOTION by Mike Major, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU20-04 for a new sign at 4584 Harbor Road by Safe Harbor Shelburne Shipyard with the condition the applicant file a zoning permit application prior to installing the new sign. VOTING by roll call: unanimous (6-0); motion carried.

SUB98-08R1: Preliminary Plan for a PUD two lot re-subdivision creating a 4th lot from the parent parcel in 1988 at 25 & 121 Deavitt Farm Road and 28 Northern Heights Drive in the Rural District and Stormwater Overlay District by Michael and Kathy Deavitt

Mike and Kathy Deavitt appeared on behalf of the application.

Submittals:

- Preliminary Plan Application, dated 6/8/20
- Site Plan Review Application, 6/8/20
- Department Head letters
- Preliminary Survey, Sheet P-1, dated 2019
- C1.0 Existing Conditions Plan, dated 6/4/20
- C1.1 Proposed Subdivision Plan, dated 6/4/20
- C1.2 Wastewater Area North, dated 6/4/20
- C2.0 Details, dated 6/4/20
- C2.1 Details, dated 6/4/20
- C3.0 Erosion control notes and details, dated 6/4/20 (two plan with same title block)
- C4.1 Specification, dated 6/4/20
- C4.2 Specification, dated 6/4/20
- C4.3 Specification, dated 6/4/20
- C4.4 Specification, dated 6/4/20
- Town of Shelburne Staff Report, dated 7/1/20

STAFF REPORT

The DRB received a written staff report on the application, dated 7/1/20. Britney Aube explained the Preliminary Plan for a two lot subdivision creating a 10.2-acre lot and a 2.13-acre lot. The applicant has provided the right-of-way easement. The open space needs to be shown on the survey and the stormwater details are needed on the site plan.

APPLICANT COMMENTS

Kathy Deavitt said the existing driveway will be extended. The new house and mound system will be built in the cleared area. All required documents and permits will be submitted.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Preliminary Plan, PUD Re-Subdivision, One Lot, 25 & 121 Deavitt Farm Road and 28 Northern Heights Drive, Deavitt (SUB98-08R1)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Final Plan application for SUB98-08R1 to do a PUD re-subdivision to create a 4th lot from the parent parcel in 1988 at 25 & 121 Deavitt Farm Road and 28 Northern Heights Drive by Mike and Kathy Deavitt with the following recommendations:

1. **The applicant should provide a draft right-of-way easement for the proposed access off Northern Heights Drive.**
2. **The applicant should provide an updated Preliminary Survey depicted the proposed open space area.**

3. **The applicant should provide stormwater details with the Final Plan Review Application.**

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

6. OTHER BUSINESS/CORRESPONDENCE

Recognition of Britney Aube

MOTION by John Day, SECOND by Anne Bentley, to recognize the following:

- **The outstanding service, patience, and assistance by Britney Aube.**
- **Britney Aube was a real asset to the organization and will be sorely missed.**
- **It was a privilege to work with Britney Aube who deserves the support of the DRB.**
- **It is hoped that Britney Aube will enjoy her next assignment as much as she enjoyed this assignment.**

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

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting.

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

The meeting was adjourned at 8:27 PM.

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