

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 7, 2021

***Hybrid Meeting held in-person and by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); Mike Major, Anne Bentley, Bob Glover, John Day, Norm Blais, Allyson Myers. (Zeke Plant and David Hillman were absent.)

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Joyce George, Gail Albert, David Shenk, Bryan Currier, Bud Ockert Chris Bissonette, James Bissonette, Cathie Buscaglia, Michael Bissonette, Charlie and Corrine Bissonette, Jon Pizzagalli, Jordon Ryder.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (6/16/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Final Plan Amendment, Reduce Setback, Inground Pool and Shed, 160 Farmstead Drive, Metropoulos (SUB11-05R2)
 - Final Plan Amendment, Reduce Setback, Building Addition, 31 Deer Run Drive, Ockert (SUB11-05R3)
 - Final Plan, Amend Mixed Use PUD, Commercial Use, 3871 Shelburne Road, Precourt Investment Company, LLC (SUB10-03R1)
 - Sketch Plan, Mixed Use PUD, 4309 and 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01, FBZ21-01, BLA21-03)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the hybrid in-person and teleconference meeting to order at 7 PM.

2. MINUTES

June 16, 2021

MOTION by Mike Munson, SECOND by Bob Glover, to approve the 6/16/21 minutes as presented. VOTING by rollcall: 6 ayes, one abstention (John Day); motion carried.

3. PUBLIC COMMENTS

None.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Those participating in 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.

SUB11-05R2: Final Plan Amendment to reduce the side and rear setbacks from 35' to 15' for an inground pool and shed on property located at 160 Farmstead Drive in the Residential District and Stormwater Overlay District by Angela Metropoulos

Jordon Ryder appeared on behalf of the application.

STAFF REPORTS

The DRB received a written staff report on the application, dated 7/7/21. Ken Belliveau reviewed the application to reduce the side yard setback to 15' for an inground pool and shed which complies with the zoning requirement for setbacks in the Residential District.

APPLICANT COMMENTS

There were no comments from the applicant.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan Amendment, Reduce Setback, Inground Pool and Shed, 160 Farmstead Drive, Metropoulos (SUB11-05R2)

MOTION by Mark Sammut, SECOND by Bob Glover, to approve the Final Plan application for SUB11-05R2 at 160 Farmstead Drive with the condition a zoning permit meeting Shelburne's zoning regulations and consistent with the approval shall be issued by the Shelburne Planning Department prior to commencing any site work or construction. VOTING by rollcall: unanimous (7-0); motion carried.

SUB11-05R3: Final Plan Amendment to reduce the side and rear setbacks from 35' to 15' for a 400 s.f. addition on property located at 31 Deer Run Drive in the Residential District and Stormwater Overlay District by Carroll and Genevieve Ockert

Carroll "Bud" Ockert appeared on behalf of the application.

STAFF REPORTS

The DRB received a written staff report on the application, dated 7/7/21. Ken Belliveau reviewed the application to reduce the side yard setback to 15' for an addition on the house. The 15' setback is a basic requirement in the Residential District.

APPLICANT COMMENTS

Bud Ockert clarified the addition will actually be 19' from the property line.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan Amendment, Reduce Setback, Building Addition, 31 Deer Run Drive, Ockert (SUB11-05R3)

MOTION by Mike Major, SECOND by Bob Glover, to approve the Final Plan application for SUB11-05R3 at 31 Deer with the following conditions:

- 1. A zoning permit meeting Shelburne's zoning regulations and consistent with the approval shall be issued by the Shelburne Planning Department prior to commencing any site work or construction.**
- 2. Additional sewer allocation will be obtained from Shelburne municipal wastewater for the additional bedroom if required.**

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

SUB10-03R1: Final Plan to amend a Mixed Use PUD for a new commercial use within a 3,400 s.f. addition at 3871 Shelburne Road in the Mixed Use District and Floodplain Overlay and Stormwater Overlay Districts by Precourt Investment Company, LLC

No one appeared on behalf of the application.

STAFF REPORTS

The DRB received a written staff report on the application, dated 7/7/21. Ken Belliveau reviewed the prior approval(s) for the Mixed Use PUD.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

Gail Albert noted Brian Precourt requested a Section 600 letter from Shelburne Natural Resources Committee and advice on how to preserve the large sycamore tree on the property.

DELIBERATION/DECISION

Final Plan, Amend Mixed Use PUD, Commercial Use, 3871 Shelburne Road, Precourt Investment Company, LLC (SUB10-03R1)

MOTION by John Day, SECOND by Mike Major, to approve the Final Plat and plan application for SUB10-03R1 and CU21-04 for 3871 Shelburne Road with the following conditions:

- 1. The mylar for SUB10-03R1 of the Final Plat acceptable to staff shall be recorded in the Shelburne land records within 180 days of the signed approval by the DRB Chair.**
- 2. A zoning permit meeting Shelburne's zoning regulations and consistent with the approval shall be issued by the Shelburne Planning Department prior to commencing any site work or construction.**

3. **Prior to commencing construction, a pre-construction meeting will be held between the developer, the project engineer and contractor, and town staff; additional meetings will be held as requested by town staff during construction (e.g., following large storm events.**

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

SUB21-01, FBZ21-01, BLA21-03: Sketch Plan for a two-lot subdivision including a .22-acre boundary line adjustment, Lot 1 to be developed as a Mixed Use PUD and Lot 2 to be developed under Form Based Code with a 16-unit community care facility at 4309 and 4385 Shelburne Road in the Mixed Use District, Residential District, and Stormwater Overlay District by Shenk Enterprises, LLC

David Shenk, Bryan Currier (O’Leary Burke), Cathie Buscaglia (Howard Center), and members of the Bissonette family appeared on behalf of the application.

STAFF REPORTS

The DRB received a written staff report on the application, dated 7/7/21. Ken Belliveau reported the Dutch Mill property and Shelburne Camping will be subdivided and a hockey rink and 16-unit residential building (community care facility) will be constructed. The community care facility will be done in conjunction with Howard Center and developed under Form Based Code. The existing restaurant on the property (Dutch Mill Restaurant) will remain in operation. The DRB will want to confirm there is adequate parking for the residential building and that access to the campground on the south end of the property is explicit. Where the boundary line adjustment is attached needs to be clarified. Emails from two individuals commenting on the application were received just prior to the DRB meeting. The applicant should have the opportunity to read the emails.

APPLICANT COMMENTS

David Shenk noted Jon Pizzagalli is the builder. The Dutch Mill will remain. The boundary line adjustment is to make the lot with the restaurant comply with the regulations. There will be a 50’ right-of-way to the campground. All curb cuts will remain in place. Lot 1 is a PUD to include an ice rink (high quality hockey training academy) and the existing house. Lot 2 will be developed under Form Based Code and will include a multi-family building (community care facility in conjunction with Howard Center). The facility will have 24-hour staffing and nursing care. Residents at the facility are not transient and no longer drive. The DRB is asked to grant permission for the application to move to the next phase of review.

There were questions from the DRB about the hockey facility being open to the general public, hosting hockey games, hours of operation, location of refrigeration equipment, access for fire trucks around the building, and seating capacity. David Shenk said the facility is a private hockey academy. There is one full-time coach and one assistant coach. The requested amount of parking for the facility has been provided. Hours of operation will be confirmed. The refrigeration equipment will be located on the campground side of the building. There will be access around the 30,000 s.f. (100’x 300’) building.

Anne Bentley mentioned the possibility of the academy changing to a public hockey rink in the future. John Day pointed out the DRB can put restrictions on parking and building space which puts constraint on future uses. John Day also noted the DRB has no ability to comment on the Form Based Code construction. There was discussion of the jurisdiction of the DRB with Form Based Code applications versus development under conventional zoning.

Following discussion of the boundary line adjustment the DRB concurred there are no issues with the boundary line adjustment.

Cathie Buscaglia, Howard Center, reviewed the 16-unit care facility with 24-hour nursing services on-site. There will be four staff parking spaces and five guest parking spaces which is adequate for the needs of the facility. The applicant will supply more information on the use and scope of the buildings (hockey academy and community care facility). Ken Belliveau pointed out the parking lot will be shared between the restaurant and the hockey rink. The applicant is urged to secure an 11-11 permit from VTrans for access to a state highway. The cumulative impact of trips from the parking lot should be evaluated.

PUBLIC COMMENT

Joyce George, resident, urged locating the rooms for the residents at the community care facility away from the noise of Route 7. David Shenk said the building is designed to have the dining room, laundry, and office space closer to Route 7 and the living units toward the back of the building.

Gail Albert, resident, asked if Shelburne Historic Preservation Committee will review the proposal and if Monroe Brook will be impacted by the traffic being generated. Ken Belliveau said there are no historic buildings being demolished and the proposal must comply with the watercourse standards in the town's bylaws. James Bissonette stated the Dutch Mill Restaurant will remain in place and operating.

Chris Bissonette asked if the DRB sees any issues with the 50' right-of-way transecting the development under Form Based Code and conventional zoning. The DRB did not express any concerns.

DELIBERATION/DECISION

Sketch Plan, Mixed Use PUD, 4309 and 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01, FBZ21-01, BLA21-03)

MOTION by Mark Sammut, SECOND by Mike Major, to continue the applications for 4309 and 4385 Shelburne Road by Shenk Enterprises, LLC until July 21, 2021 to allow the applicant to read recently received emails/comments on the application and provide further information on the use and scope of the hockey rink and community care facility. VOTING by rollcall: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Schedule and Staffing

Ken Belliveau reported the Planning & Zoning Department will be short staffed due to vacations. Following discussion, the DRB agreed to eliminate the first DRB meeting in August.

MOTION by Mark Sammut, SECOND by Allyson Myers, to eliminate the August 4, 2021 DRB meeting. VOTING by rollcall: unanimous (7-0); motion carried.

Format of Staff Report

Ken Belliveau said the format of the staff report includes suggested motions, findings and conclusions, and a signature page for the approval in an effort to simplify and expedite the approval process.

Joint Meeting

There will be a joint meeting with the DRB and Planning Commission on 7/14/21.

7. ADJOURNMENT

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

The meeting was adjourned at 9:05 PM.

RScty by tape: MERiordan