

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 15, 2020**

**\*Meeting held by teleconference.**

**MEMBERS PRESENT:** Mark Sammut, Mike Major, John Day, Anne Bentley, Doug Griswold. (Allyson Myers, Robert “Zeke” Plante, and David Hillman were absent.)

**STAFF PRESENT:** Britney Aube, DRB Coordinator; Lee Krohn, Town Manager.

**OTHERS PRESENT:** Bob Bouchard, Dave Marshall, Don Rendall, Ken and Gail Albert, Mike Ashooh.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (7/1/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Preliminary Plan, Re-Subdivision Multiple Lots, Regrading into Lots 4A & 5A, Shelburne Road, Tax Map #28-50-03.1, Rice Lumber (SUB15-05R4)
  - Preliminary Plan, Re-Subdivision, Two Lots from Lot 6, Shelburne Road, Tax Map #28-50-03.1, Pizzagalli Properties, LLC (SUB15-05R3)
  - Site Plan Review, Market/Café Building, Lot 6, Shelburne Road, Tax Map #28-50-03.1, Pizzagalli Properties, LLC (SUB15-05R3\SP17-04R3)
  - Site Plan Review, Fire/Rescue Facility, Shelburne Road, Tax Map #28-50-03.1, Pizzagalli Properties, LLC (SUB15-05R3\SP17-04R4)
  - Site Plan Review Amendment, Shared Drive, Lot 6, 4188 & 4076 Shelburne Road, Pizzagalli Properties, LLC (SUB15-05R3\SP20-01)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and AGENDA**

In the absence of Chair David Hillman, Vice Chair Mark Sammut 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**

*July 1, 2020*

**MOTION by Mike Major, SECOND by John Day, to approve the 7/1/20 minutes as presented. VOTING by roll call: unanimous (5-0); motion carried.**

**4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

There were no disclosures. 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.

The DRB agreed to review the following applications for the Rice Lumber property on Shelburne Road simultaneously:

**SUB15-05R4: Preliminary Plan to re-subdivide multiple parcels within the previously approved PUD and site regarding to expand the plateau fronting Route 7 deeper into Lots 4A and 5A on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber Co.**

**SUB15-05R3: Preliminary Plan to re-subdivide Lot 6 in the previously approved PUD into two lots on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Pizzagalli Properties, LLC**

**SUB15-05R3\SP17-04R3: Site Plan Review to construct a 18,057 s.f. market and café building, 660 s.f. patio, 95 space parking lot, loading facilities, and supporting infrastructure on a portion of Lot 6 on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber Co./Pizzagalli Properties, LLC**

**SUB15-05R3\SP17-04R4: Site Plan Review to construct a 19,800 s.f. fire & rescue facility, parking lot, training facilities and supporting infrastructure to be located on a portion of Lot 6 on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber, Co./Pizzagalli Properties, LLC**

**SUB15-05R3\SP20-01: Site Plan Amendment to PUD to construct a shared drive along the common property line with Lot 6 in the Rice Lumber PUD at 4188 & 4076 Shelburne Road in the Mixed Use and Stormwater Overlay District by Catamount Shelburne, LLC/Pizzagalli Properties, LLC**

Dave Marshall with Civil Engineering Services, Bob Bouchard with Pizzagalli Properties, LLC, and Lee Krohn, Shelburne Town Manager, appeared on behalf of the applications.

Additional submittals with the applications:

- Conditional Use Application and Narrative, Fire & Rescue Facility, received 7/7/20
- Conditional Use Application & Narrative, Healthy Living, received 7/7/20
- Stormwater close-out email from David Wheeler, dated and received 7/7/20

- Proposed easement right-of-way plan, received 7/9/20
- Water Superintendent close-out email, dated 6/29/20, received 7/7/20
- Fiscal impact letter, Fire & Rescue Project, dated 6/24/20, received 7/7/20
- Fiscal impact letter, Healthy Living, dated 6/23/20, received 7/7/20
- Legal document schedule, dated 6/22/20, received 7/7/20
- Landscaping Narrative prepared by VHB for Healthy Living, dated 6/30/20, received 7/7/20
- Healthy Living Landscaping Plan, Sheet LA2.0, dated 3/17/20, received 7/7/20
- Healthy Living Landscaping Plan, Sheet LA2.1, dated 3/17/20, received 7/7/20
- Healthy Living Landscaping Plan, Sheet LA1.0, revised 7/8/20, received 7/9/20
- Healthy Living Landscaping Plan, Sheet LA 1.1., dated 4/9/20, received 7/7/20
- Fire & Rescue Station Landscaping Narrative, dated 6/30/20, received 7/7/20
- Fire & Rescue Station Landscaping Plan, LA2.0, dated 3/25/20, received 7/7/20
- Fire & Rescue Station Landscaping Plan, LA1.0, dated 3/3/20, received 7/7/20
- PUD free-standing sign rendering, received 7/9/20
- Proposed right-of-way plan for east/west drive, received 7/9/20
- Agreement to Grant Cross Easements, dated 6/16/20
- Second amendment to Purchase & Sales Agreement, dated May 2020
- Town of Shelburne Staff Memo, dated 7/7/20

#### STAFF REPORT and APPLICANT COMMENTS

The DRB received a staff memo on the applications, dated 7/7/20. Following discussion, the DRB and applicant(s) agreed review of the applications should proceed with review of the comprehensive staff memo. The following was discussed/noted:

- Conditional Use applications for the Healthy Living building and the fire & rescue facility can be linked to Final Plan Review of the subdivision applications and warned as such.
- Right-of-way width for the Commons access – Dave Marshall is providing diagrams. Bob Bouchard said there is a cross-easement with Shelburne Commons. The road width is 50' and will be built to public works specifications except for the width.
- John Day suggested the easement note for the future roadway to Lot 10 should be removed.
- Dave Marshall said there is a 24' wide access easement to both lots so there is interconnectivity.
- Infrastructure pertaining to fiscal impacts – Lee Krohn said the plan is to resolve the sewer capacity issue, but if this does not occur then the project cannot be built.
- Landscaping narrative and details – the applicant has met the 75% screening requirement with quality plantings. Bonds are in place.
- Signage – There will be one free standing sign with multiple panels. The PUD has a half mile of frontage on Route 7. The applicant will be working with the Planning Commission on potential changes to the sign regulations in the future for primary signs for Rice Lumber.
- Exception for municipal building for pavement in the buffer – the applicant must move the training pad which is in the setback or demonstrate the location is

necessary for the intended use. Fire Chief Ouimet said presently the firefighters go elsewhere to do training. The pad is necessary for ongoing training and education. Training is done every Thursday. Members train for different types of fires. The state's mobile training unit is used for some sessions. Dave Marshall said the pad placement is for separation from the structure and to have the least amount of conflict with vehicles. Mark Sammut pointed out the function of the pad is ancillary to the function of the Fire Dept. and an important feature. Anne Bentley stressed the DRB must be sure to make the case for the necessity of the pad in the buffer. John Day noted statutory text says the regulations cannot interfere with the intended functional use, and the training pad is within the reasonable functional use of the Fire Dept. Doug Griswold observed the training pad is not a vertical structure and will not be visible. In addition, the pad meets the intended use and cannot be located elsewhere. Three-quarters of the training pad is in the buffer. Lee Krohn pointed out the buffer is buffering against a private road. Fire trucks must leave from the front of the station so the area will be hardscape whether asphalt or a concrete training pad. Trees will not be planted where trucks exit the station. The access road already exists.

- Trash enclosure moved to the side of the building – Bob Bouchard said the enclosure can be moved, but the location is for ease of access and will be screened with fencing and landscaping.

#### PUBLIC COMMENTS

Gail Albert, Shelburne Natural Resources Committee, said the committee has comments on the road from one end to the other and preserving the natural area. There is also concern about blasting disturbances for the road construction. John Day noted Lot 10 is not before the DRB for review presently; the record is clear the DRB will not be making a decision on Lot 10 at this review.

#### DELIBERATION/DECISION

Preliminary Plan to re-subdivide multiple parcels within the previously approved PUD and site regarding to expand the plateau fronting Route 7 deeper into Lots 4A and 5A on property on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber Co. (SUB15-05R4)

**MOTION by Doug Griswold, SECOND by John Day, per the proposed staff language without modification to finalize the record as listed in the original Staff Report supplied for the 6/17/20 hearing as well as the record items listed in the Staff Memo, dated 7/7/20, and close the hearing on SUB15-05R4, and direct staff to prepare a decision authorizing the applicant to file a Final Plan Application to include the applicable Final Plan Review materials as described in the Shelburne Subdivision Regulations, Section 610. VOTING by roll call: unanimous (5-0); motion carried.**

Preliminary Plan to re-subdivide Lot 6 in the previously approved PUD into two lots on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Pizzagalli Properties, LLC (SUB15-05R3)

**MOTION by Doug Griswold, SECOND by John Day, per the proposed staff language without modification to finalize the record as listed in the original Staff Report supplied for the 6/17/20 hearing as well as the record items listed in the Staff Memo, dated 7/7/20, and close the hearing on SUB15-05R3, and direct staff to prepare a decision authorizing the applicant to file a Final Plan Application to include the applicable Final Plan Review materials as described in the Shelburne Subdivision Regulations, Section 610. VOTING by roll call: unanimous (5-0); motion carried.**

Site Plan Review to construct a 18,057 s.f. market and café building, 660 s.f. patio, 95 space parking lot, loading facilities, and supporting infrastructure on a portion of Lot 6 on property on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber Co./Pizzagalli Properties, LLC (SUB15-05R3\SP17-04R3)

**MOTION by Mark Sammut, SECOND by Doug Griswold, per the proposed staff language without modification to finalize the record as listed in the original Staff Report supplied for the 6/17/20 hearing as well as the record items listed in the Staff Memo, dated 7/7/20, and close the hearing on SUB15-05R3\SP17-04R3, and direct staff to prepare a decision authorizing the applicant to file a Site Plan Review Application for construction of Healthy Living Supermarket Café on Lot 6 of the Rice Lumber PUD subject to the following conditions:**

- 1. The site plan approval is contingent upon Final Plan approval of the subdivision of Lot 6 into Lot 6 and Lot 6A which is being reviewed under separate application, SUB15-05R3, and Conditional Use approval. Should Final Plan approval and Conditional Use approval not be granted for the project, the applicant must resubmit a Site Plan Application for the project reflecting any changes.**
- 2. The Selectboard is working on a cost sharing agreement to address deficiencies in the municipal wastewater infrastructure that must be addressed before the project can be served by the municipal wastewater system. The deficiencies must be addressed prior to submission for a zoning permit. The applicant must supply documentation from the Shelburne Wastewater Superintendent indicating the deficiencies have been addressed and that the project can connect to the municipal system.**
- 3. Prior to the issuance of a building permit the applicant must provide a two-year performance bond for required landscaping.**
- 4. Upon completion of required work the engineer providing construction observations and inspections for the work shall certify to the town in writing that the work is complete in accordance with approved plans prior to issuance of a Certificate of Occupancy pursuant to Shelburne Subdivision Regulations, Section 1140.**
- 5. The applicant should supply a blasting plan and notify Planning and Zoning staff prior to the commencement of blasting.**

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

Site Plan Review to construct a 19,800 s.f. fire & rescue facility, parking lot, training facilities and supporting infrastructure to be located on a portion of Lot 6 on Shelburne Road, Tax Map #28-50-03.1, in the Mixed Use District and Stormwater Overlay District by Rice Lumber, Co./Pizzagalli Properties, LLC (SUB15-05R3\SP17-04R4)

**MOTION by Mike Major, SECOND by John Day, per the proposed staff language without modification to finalize the record as listed in the original Staff Report supplied for the 6/17/20 hearing as well as the record items listed in the Staff Memo, dated 7/7/20, and close the hearing on SUB15-05R3\SP17-04R4, and direct staff to prepare a decision authorizing the applicant to file a Site Plan Review Application for construction of the Shelburne Fire & Rescue Station on Lot 6A of the Rice Lumber PUD subject to the following conditions:**

- 1. Site Plan approval is contingent up Final Plan approval of the subdivision of Lot 6 into Lot 6 and Lot 6A which is being reviewed under separate application, SUB15-05R3, and Conditional Use approval. Should Final Plan approval and Conditional Use approval not be granted for the project, the applicant must resubmit a Site Plan Application for the project reflecting any changes.**
- 2. The application was reviewed under 24VSA4413 since the proposal is for a community owned fire and rescue station, and if the bond vote fails or for any other reason the proposal changes in a way the fire and rescue station will not longer qualify as a “community facility” under 24VSA4413 the approval shall no longer be valid.**
- 3. Insufficiencies in the municipal wastewater system must be addressed prior to commencement of construction.**

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

Site Plan Amendment to PUD to construct a shared drive along the common property line with Lot 6 in the Rice Lumber PUD at 4188 & 4076 Shelburne Road in the Mixed Use and Stormwater Overlay District by Catamount Shelburne, LLC/Pizzagalli Properties, LLC (SUB15-05R3\SP20-01)

**MOTION by Mark Sammut, SECOND by John Day, per the proposed staff language without modification to finalize the record as listed in the original Staff Report supplied for the 6/17/20 hearing as well as the record items listed in the Staff Memo, dated 7/7/20, and close the hearing on SUB15-05R3\SP20-01, and direct staff to prepare a decision authorizing the applicant to file a Site Plan Review Application for construction of a shared access subject to the following conditions:**

- 1. The site plan approval is contingent upon Final Plan approval of the subdivision of Lot 6 into Lot 6 and Lot 6A which is being reviewed under separate application, SUB15-05R3, and Conditional Use approval. Should Final Plan approval and Conditional Use approval not be granted for the project, the applicant must resubmit a Site Plan Application for the project reflecting any changes to the lot line and right-of-way configurations.**
- 2. The applicant should supply an updated right-of-way plan, Sheet R-1, that removes the statement reading: “Easement or rights-of-way for future roadway on the Shelburne Commons property will be acquired for others”.**

3. The applicant should supply a copy of the blasting plan and notify Planning and Zoning staff prior to the commencement of blasting.
4. Upon completion of required work the engineer providing construction observations and inspections for the work shall certify to the town in writing that the construction of the access was completed in accordance with the approved plans.

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

#### **6. OTHER BUSINESS/CORRESPONDENCE**

##### *Administrative Approval*

An administrative approval was granted to Locust Hill Condominiums to repave the driveway and fix the stormwater structure.

##### *Thanks and Best Wishes*

Lee Krohn thanked Britney Aube for her service to the town as DRB Coordinator and offered best wishes in her pursuits.

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

**MOTION by John Day, SECOND by Anne Bentley, to adjourn the meeting.**

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

The meeting was adjourned at 8:29 PM.

*RScty by tape: MERiordan*