

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 17, 2019**

MEMBERS PRESENT: Jeff Pauza (Chair); John Day, Mike Major, Anne Bentley, Ian McCray. (Mark Sammut, Doug Griswold, and David Hillman were absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Jeff and Gail Lindemann, David Ely, Paul Carlson, Teal Chalek, Michael Deavitt, Kathy Deavitt, Nancy Hinsdale, Clark Hinsdale, III, Ian Rutherford, Dave Marshall, Ashish Ahlawat, Susan Torcello, Mason Graddock, Steve Schenker, John Logan, David Shenk, Andre Antell, John and Brenda Noonan, Rob Infantino, Paul O'Leary, Bill Gotcher, Norm Stansalas, Liam Murphy, Bill Potter, Paul O'Leary, Susan Baldwin, Rosemary Potter.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (6/19/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Design Review, Shed Roof, 1072 Falls Road, Noonan (DR19-08)
 - Design Review, Steps and Railing, 30 Church Street, Shelburne United Methodist Church (DR19-09)
 - Site Plan, Expand Light Manufacturing Use, 97 Executive Drive, Three Sisters Holding Company, LLC (SP11-03R1)
 - Sketch Plan, PUD Re-Subdivision, Two Lots, 25 Deavitt Farm Road, Michael and Kathy Deavitt (SUB98-08R1)
 - Sketch Plan, PUD, 8 Residential Units, 127 Webster Road, Trinity Baptist Church (SUB19-08)
 - Final Plan, Modify Conditions of Approval, 120 Graham Way, Shelburne Green, LLC (SUB13-02R3)
 - Sketch Plan, Multi-Family Dwelling Use, 63 Units, 3972 Shelburne Road, David Shenk (FBZ19-01\SUB19-09\CU19-08\SP19-06)
6. Other Business
7. Adjournment

1. CALL TO ORDER and ANNOUNCEMENT

Chair Jeff Pauza called the meeting to order at 7 PM.

2. PUBLIC COMMENTS

There were no comments from the public at this time.

3. MINUTES

June 19, 2019

MOTION by John Day, SECOND by Mike Major, to approve the 6/19/19 minutes with the following correction(s)/clarification(s):

- **Page 6, paragraph beginning “Anne Bentley asked the motivation for changing the boundary line...”, first bulleted item – change “the three lots” to “two of the three lots”.**

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

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

- Jeff Pauza announced he will recuse himself for the Shelburne Green application.

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.

DR19-08: Design Review for the addition of a shed roof over an existing deck at 1072 Falls Road in the Shelburne Falls Mixed Use District, Village Design Review Overlay District, and Floodplain and Watercourse Overlay District by John and Brenda Noonan

John Noonan appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Photographs of existing structure
- Sketches of proposed shed roof
- Town of Shelburne Staff Report, dated 7/17/19

STAFF REPORT

The DRB received a written staff report on the application, dated 7/17/19. Ravi Venkataraman said the Shelburne Historic Preservation & Design Review Committee had no major concerns with the shed roof over an existing deck.

APPLICANT COMMENTS

There were no comments by the applicant in addition to the staff report.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Shed Roof, 1072 Falls Road, Noonan (DR19-08)

MOTION by Mike Major, SECOND by John Day, to grant design review approval to John and Brenda Noonan for the addition of a shed roof over an existing deck at 1072 Falls Road with the condition a zoning permit shall be required prior to the commencement of construction. VOTING: unanimous (5-0); motion carried.

John Noonan noted the address with the deck is 1096 Falls Road. Staff will note the corrected address in the permit documentation.

DR19-09: Design Review to install stone steps with a metal railing at 30 Church Street in the Village Center District, the Village Design Review Overlay District, the Village Core Overlay District, and the Stormwater Overlay District by Shelburne United Methodist Church

Jeff Pauza disclosed on occasion he attends the United Methodist Church. No one appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Site plan depicting location of proposed steps
- Photographs
- Sketches of proposed steps and railing
- Town of Shelburne Staff Report, dated 7/17/19

STAFF REPORT

The DRB received a written staff report on the application, dated 7/17/19. Ravi Venkataraman said the application and permit were previously approved. The proposal is for stone steps versus concrete steps. Shelburne Historic Preservation & Design Review Committee had no concerns with the proposal.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Steps and Railing, 30 Church Street, Shelburne United Methodist Church (DR19-09)

MOTION by John Day, SECOND by Mike Major, to grant design review approval to Shelburne United Methodist Church for new stone steps on the west side of the church at 30 Church Street with the condition a zoning permit shall be required prior to the installation of the new steps. VOTING: unanimous (5-0); motion carried.

SP11-03R1: Site Plan Review to expand an existing enclosed light manufacturing use by 1,823 s.f. and to add a 1,926 s.f. gravel pad at 97 Executive Drive in the Commerce and Industry District, and Stormwater Overlay District by Three Sisters Holding Company, LLC

Paul Carlson appeared on behalf of the application.

Submittals:

- Site Plan Review Application, received 6/25/19
- Plans, received 6/25/19
- Town of Shelburne Staff Report, dated 7/17/19

STAFF REPORT

The DRB received a written staff report on the application, dated 7/17/19. Ravi Venkataraman said the DRB is approving the gravel area for temporary trailer storage. If the trailers are more permanent then they will be deemed a structure. The expansion can be done as two 9'x 18' parking spaces or a loading dock. The 2012 approval has expired and needs reapproval. The applicant indicated adequate bike parking will be included in the zoning permit application.

APPLICANT COMMENTS

Paul Carlson explained the company is growing fast. There are three loading dock spaces. The fourth is for the dumpster. Trucks are parking on the street now so this will get the trucks off the street. The 1,800 s.f. expansion was part of the original building expansion.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Site Plan, Expand Light Manufacturing Use, 97 Executive Drive, Three Sisters Holding Company, LLC (SP11-03R1)

MOTION by John Day, SECOND by Anne Bentley, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of SP11-03R1 to expand a light manufacturing use at 97 Executive Drive by Three Sisters Holding Company, LLC with the understanding that encompasses 1,800 s.f. of loading area and with the condition a zoning permit shall be required prior to any land development pursuant to Section 2010.1 . VOTING: unanimous (5-0); motion carried.

SUB98-08R1: Sketch Plan to create a two lot residential PUD re-subdivision at 25 Deavitt Farm Road in the Rural District and Stormwater Overlay District by Michael and Kathy Deavitt

Jeff Pauza and Mike Major disclosed the Deavitts are acquaintances. Mike Deavitt appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., received 6/25/19
- General Application Form, received 6/25/19
- Sketch Plan Review Application, received 6/25/19
- Sketch Plan, Drawing Number SK1, received 6/25/19
- Warranty Deed between Michael and Kathy Deavitt and Laura Fisher for a 30' wide right-of-way, provided by staff
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report on the application, dated 6/5/19. Ravi Venkataraman said staff recommends a Site Plan application be submitted with the Preliminary Plan for the PUD and that the proposal is a major subdivision. Also, an open space plan and Project Review Sheet are needed. Documentation is needed from the applicant confirming Northern Heights Drive will be the access to the new lot.

APPLICANT COMMENTS

Mike Deavitt said there will be legal documents to address the access.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, PUD Re-Subdivision, Two Lots, 25 Deavitt Farm Road, Mike and Kathy Deavitt (SUB98-08R1)

MOTION by Mike Major, SECOND by John Day, to classify the application for 25 Deavitt Farm Road, SUB98-08R1, as a Major Subdivision, finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Preliminary Plan application for SUB98-08R1 (two lot, PUD re-subdivision at 25 Deavitt Farm Road) with the following recommendations:

- 1. A Site Plan Review Application must be filed with the Preliminary Review Plan Application pursuant to Shelburne Zoning Bylaws, Section 1930.2(B).**
- 2. An open space management plan must be provided with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Section 1930.3.**
- 3. Documentation that the proposed additional lot can be served via Northern Heights Drive must be included in the Preliminary Plan Review Application pursuant to Shelburne Subdivision Regulations, Section 900.**

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

SUB19-08: Sketch Plan for an eight unit residential PUD at 127 Webster Road in the Residential District and Stormwater Overlay District by Trinity Baptist Church

Bill Gotcher, Trinity Baptist Church, appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 6/25/19
- Correspondence between the applicant and Vermont ANR Permit Specialist, Jeff McMahon, received 6/25/19
- Project Plan, received 6/25/19
- Aerial photo of subject property, received 6/25/19
- Proposed Conditions Sketch Plan, received 6/25/19
- Final Right-of-Way Plans for Webster Road Bicycle/Pedestrian Path prepared by Dubois & King, received 6/25/19
- Proposed Conditions Site Plans for 93 Webster Road (Sheets C1.0 and C1.1) prepared by Civil Engineering Associates, Inc., received 6/25/19

- Stormwater, Waste and Sewer Map prepared by Chittenden County Regional Planning Commission, received 6/25/19
- Map of gas lines prepared by Vermont Gas, received 6/25/19
- Image of proposed likeness of two-family dwelling unit, received 6/25/19
- Town of Shelburne Staff Report, dated 7/17/19

STAFF REPORT

The DRB received a written staff report on the application, dated 7/17/19. Ravi Venkataraman said the application is a PUD with four 2-family units for a total of eight units. A Conditional Use Review Application must be submitted with the Preliminary Plan because the lot with the existing church use is being modified. A Site Plan Review Application must also be submitted. Staff is recommending the application be deemed a major subdivision. Open space and landscape plans must be submitted. The landscape plan must show hardwood shade trees lining the driveway. Sidewalk or paths connecting the proposed development to existing pedestrian facilities on Webster Road should be shown on the site plan.

APPLICANT COMMENTS

Pastor Bill Gotcher said Trinity Baptist plans to build four duplex houses for additional housing for staff. The church will own one unit and sell the others. The church also operates a preschool. The road to the housing units will be private and maintained by the homeowners association.

Jeff Pauza mentioned comments from town departments on the application must be submitted.

Anne Bentley noted Webster Road is a cut-through road with lots of traffic. Ravi Venkataraman said the DRB can require a traffic study, but staff feels this is not necessary with the proposal.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, PUD, Eight Residential Units Re-Subdivision, 127 Webster Road, Trinity Baptist Church (SUB19-08)

MOTION by John Day, SECOND by Mike Major, to classify the application for an eight unit PUD at 127 Webster Road by Trinity Baptist Church (SUB19-08) as a major subdivision, and to finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Preliminary Plan Review Application for SUB19-08 with the following recommendations:

- 1. The applicant must file a Conditional Use Review Application with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Section 420.15.**

2. **The applicant must file a Site Plan Review Application with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Sections 1900(A) and 1930.2(B).**
3. **The applicant must provide an open space management plan with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Section 1930.2(H).**
4. **The applicant must include a landscaping plan that depicts hardwood shade trees lining the driveway pursuant to Shelburne Subdivision Regulations, Section 810(4).**
5. **The applicant must include site plans that depict pedestrian facilities connecting the PUD with the existing pedestrian facilities along Webster Road pursuant to Shelburne Subdivision Regulations, Section 910.**

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

SUB13-02R3: Final Plan to modify previous conditions of approval for 120 Graham Way (parts formerly 6221 Shelburne Road) located in the Commerce and Industry South District and Stormwater Overlay District by Shelburne Green, LLC

Jeff Pauza recused himself. John Day facilitated the meeting. Dave Marshall, Civil Engineering Associates, and Norm Stansalas, Shelburne Green, appeared on behalf of the application.

Submittals:

- Letter of Transmittal, received 11/20/17
- General Application Form, received 11/20/17
- Sketch Plan Review Application, received 11/20/17
- Comprehensive Plan Compliance Document, received 11/20/17
- Project Description, received 11/20/17
- Site Improvement and Landscaping Plan, received 11/20/17
- Overall Site Plan, received 11/20/17
- Site Plan, received 11/20/17
- Phase 1 Water and Sewer As-Built Plan, received 11/20/17
- Fiddlehead Brewery Tasting Room Noise Study prepared by RSG, dated 12/15/17 and received 1/8/18
- Response to staff comments, dated and received 1/31/18
- Gables Condominium Association Letter, dated and received 12/11/17
- Gables Association Interested Party Status, received 1/12/18
- Findings of Fact and Notice of Decision for SUB13-02
- Stowe Club Highlands
- Shelburne Staff Reports for 12/21/17, 1/17/18, 2/21/18 DRB meetings
- Questions for the applicant prepared by Director of Planning and Zoning, Dean Pierce, received 1/17/18
- Memorandum prepared by Director of Planning and Zoning, Dean Pierce, received 1/31/18
- Memorandum prepared by Director of Planning and Zoning, Dean Pierce, received 2/14/18

- Exhibit A: Email compilation submitted by Director of Planning and Zoning, Dean Pierce, received 2/21/18
- Exhibit B: Vermont Statutes Annotated, Title 7, Chapter 9, submitted by Director of Planning and Zoning, Dean Pierce, received 2/21/18
- Exhibit C: Copy of Liquor License #7669-001-MFMA-001 submitted by Director of Planning and Zoning, Dean Pierce, received 2/21/18
- Exhibit D: Email correspondence between Martin Prevost, Sergeant, Director of Licensing, Vermont Department of Liquor Control, and Dean Pierce, Director of Planning and Zoning, dated 2/15/18 and received 2/21/18
- Exhibit E: Testimony offered by witnesses for the applicant and associated questions and remarks submitted and prepared by Director of Planning and Zoning, Dean Pierce, received 2/21/18
- Exhibit F: Email correspondence between the applicant, Graham Goldsmith, Town Manager, Joe Colangelo, and Director of Planning and Zoning, Dean Pierce, received 2/21/18
- Exhibit G: Copy of Town of Shelburne Zoning Bylaws, last amended 8/2/17, received 2/21/18
- Exhibit H: Planning Commission Report Form for Municipal Bylaw Amendments, received 2/21/18
- Exhibit 1: Copy of Shelburne Subdivision Regulations, last amended 5/18/16 and received 2/21/18
- Preliminary Plan Review Application, received 8/28/18
- Legal Documents
- Project narrative, received 8/28/18
- Appendix: Continued compliance with Shelburne Comprehensive Plan (for Preliminary Plan), received 8/28/19
- Site Plan Review Application, received 8/28/19
- Parking allocation for Shelburne Green South Sage Court, dated 6/19/18 and received 8/28/18
- Appendix: Continued compliance with Shelburne Comprehensive Plan (for multimodal circulation), received 8/28/18
- Comments from Shelburne department heads, dated between May 9 and May 15, 2018 and received 8/28/18
- Business and operating Plan for Food Service in Building 6, dated 6/26/18 and received 8/28/18
- Fiddlehead Brewery Tasting Room Noise Study prepared by RSG, dated 12/15/17 and received 8/28/18
- Technical Memorandum on traffic impacts from Roger Dickinson, dated 6/25/18 and received 8/28/18
- Product description of light fixtures from MaxLite, last revised 12/14/16 and received 8/28/18
- Thermal management system specifications from RAB, received 8/28/18
- Downlighting specifications sheet, dated 9/2016 and received 8/28/19
- Water and Sewer Design Flows spreadsheet, dated and received 9/11/18

- Vermont ANR Wastewater System and Potable Water Supply Permit, dated 2/27/18 and received 8/28/18
- Vermont DEC and Natural Resources Board Project Review Sheet, dated 7/18/18 and received 8/28/18
- Memorandum of Lease, dated 5/18/15 and received 8/28/18
- Site Plans
- Staff Report prepared for 12/9/18 DRB meeting
- Project Narrative, received 1/18/19
- Business and Operating Plan for Food Service in Building 6, received 1/18/19
- Parking Allocation Shelburne Green South Sage Court, received 1/18/19
- RAB pole lighting cut sheet, received 1/18/19
- Response to Staff Report for 12/19/18 DRB hearing on SUB13-02R3, received 1/18/19
- Site Plan, received 1/18/19
- Correspondence from Water Quality Superintendent, Chris Robinson, received 1/31/19
- Staff memorandum prepared for the 2/6/19 DRB meeting
- Letter from Clark Hinsdale to DRB, received 1/14/19
- Letter from Shelburne Green, LLC to Anne Powell, The Gables, received 2/20/19
- Site Lighting Plan (Drawing Number C2.3), received 2/25/19
- Outdoor lighting cut sheets, received 2/25/19
- Draft unsigned agreement between Shelburne Green, LLC and The Gables, received 2/28/19
- Comments from Shelburne Rescue, received 3/5/19
- Comments from Shelburne Fire Department, received 3/6/19
- Letter from Clark Hinsdale to DRB, received 3/6/19
- Staff memorandum prepared for 3/6/19 DRB meeting
- Cover letter prepared by CEA, received 5/28/19
- Final Plan Review Application, received 5/28/19
- Executed agreement between Shelburne Green, LLC and The Gables
- Site Plan, received 5/28/19
- Proposed Food Service/Café Interior Concept prepared by J. Graham Goldsmith Architects, received 5/28/19
- Business and Operating Plan for Food Service in Building 6 submitted 1/18/19 and resubmitted 5/31/19
- Excerpt of floor plan of Building 6, received 5/31/19
- Stock images of food offerings at proposed accessory food service use, received 5/31/19
- Cover letter prepared by CEA on Condition #1 of Preliminary Plan approval, received 5/31/19
- Pump Station Plan and Section (Drawing C4.2), received 5/31/19
- Staff memorandum, dated 7/11/19
- Town of Shelburne Staff Report, dated 7/17/19

STAFF REPORT

The DRB received a staff memo on the application, dated 7/11/19, and a written staff report, dated 7/17/19. Ravi Venkataraman said items submitted by the applicant are not sufficient because the items are resubmissions of items the DRB asked to be revised. The applicant is proposing uses and refers to concerts and tours. A concert venue is not an allowed use in the district and not considered accessory. The applicant is also proposing the hours of operation for food service be changed to 9 AM – 9 PM. The food service will be offering dinner to the public like a restaurant and has nothing to do with food processing or light manufacturing. Staff cannot support activities unrelated to light manufacturing or uses not allowed such as concerts. The town does not issue special event permits. Staff can support approving the combining of Buildings 1, 5, and 6 to form a 40,000 s.f. footprint provided the maximum number of primary structures on the site is nine. Staff does not recommend changing the accessory food service hours of operation because the food service will be a restaurant which would not be in compliance with the zoning regulations.

APPLICANT COMMENTS

Dave Marshall reviewed Phase 1 of Shelburne Green North and the plan for the 20-acre parcel to the south as Shelburne Green South to be used as start up space for business. There is a perimeter buffer to the surrounding residential area and Vermont Teddy Bear. Buildings 1,5, and 6 will be interconnected for Fiddlehead. Within each building there is the ability for a secondary component (manufacturing and sales area). There is also a common café for food service (2,500 s.f.) to support Shelburne Green North and South. The hours of operation are requested to be altered to allow food service up to 9 PM and closing entirely at 10 PM. The brewery operation is 24 hours/day. The café is adjacent to the brewery and will serve some of the brewery products. Mr. Marshall reviewed the conditions of approval for the Preliminary Plan.

Norm Stansalas noted there is an agreement with The Gables regarding having up to four special events per year completed by 7 PM. John Day asked where the events will be held. Mr. Stansalas said in the area leased by Fiddlehead.

Anne Bentley asked if there are guidelines for events held at the Museum or Shelburne Vineyard. Ravi Venkataraman said the town gives forewarning of the events. The zoning bylaws do not allow for events occurring on a regular basis in manufacturing areas. Cultural events at the vineyard are written into the permit. The Museum is a different situation.

Mike Major asked about parking. Norm Stansalas said there are 388 spaces for the north and south buildings combined. Special events would be held when the businesses are closed.

Liam Murphy, MSK Associates, pointed out there are approved uses and uses accessory to those approved uses. The brewery can sell tee shirts because that is customary and incidental to the main business. Staff is advocating for the district to be used solely for manufacturing uses and not incidental uses. The applicant is seeking a reasonable balance

between the PUD and customary and incidental and subordinate uses to the primary use. The 2,500 s.f. out of 133,000 s.f. at buildout is 2% for food service. An additional three hours of operation is being requested for the food service. The question is whether an additional three hours makes the food service non-accessory.

John Day asked about the relationship between the brewery and the food service. Norm Stansalas said Fiddlehead has not decided whether to operate the food service or have an outside operator. Building 6 has a 1,500 s.f. tasting room and retail area (20% of the total building square footage).

PUBLIC COMMENT

Clark Hinsdale and Nancy Hinsdale stated the agreement with The Gables was decided by a three member board of directors and it was indicated the agreement does not bind the 36 unit owners or prevent them from raising issues. Regarding restaurant uses, restaurants are allowed within 200' of Route 7 so the café should be located closer to Route 7. There are reasons why the area is not zoned for restaurant uses. A variance would be needed. A restaurant use will impact adjoining properties. The DRB is urged to do a site visit to see the impact on the residences.

Norm Stansalas said the food service location is keeping with the original approval. Ravi Venkataraman said the only restriction is food service activities must be in Buildings 8, 7, 12 or east of the western edge of the north-south drive/parking area. Staff will gather information on the prior permit. The location of the 2,500 s.f. café needs to be clarified in the application. John Day said confirmation of conformity to the prior DRB decision with respect to location is needed. Liam Murphy said the application was submitted in November 2017.

Ian Rutherford, The Gables, said if he had known what was going on at Shelburne Green he would not have purchased his unit. Residents at The Gables do not want additional noise. The first application talked about food service for the industries at the site. The extension created the beerhall which needs entertainment space, and that has noise. Individual unit owners can deal with the agreement signed by The Gables as a separate matter. John Day said the DRB is not expressing a view on the legal rights of residents of The Gables with respect to Shelburne Green. Dave Marshall pointed out the building and site design and layout were done to reduce noise. A noise study was done in January 2018 and the noise standards were met.

Mike Major asked what the distance is from the buildings to The Gables.

DELIBERATION/DECISION

Final Plan, Modify Conditions of Approval, 120 Graham Way, Shelburne Green, LLC (SUB13-02R3)

MOTION by John Day, SECOND by Ian McCray, to continue the application by Shelburne Green, SUB13-02R3 to August 21, 2019. VOTING: unanimous (4-0); motion carried.

Jeff Pauza returned to the DRB and resumed facilitation of the meeting.

FBZ19-01\SUB19-09\CU19-08\SP19-06: Sketch Plan to establish a 63 unit multi-family dwelling use at 3972 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Shelburne Road Form Based Overlay District by David Shenk

David Shenk, applicant, and Paul O’Leary with O’Leary Burke appeared on behalf of the application.

Submittals:

- Updated set of site plans, received 6/24/19
- Cover letter prepared by O’Leary Burke Civil Associates, PLC, received 6/24/19
- Sketch Plan Review Application, received 6/24/19
- Warranty Deed between Carlton and Elaine Fay, and Robert C. Kelly regarding Cedar Haven Road, received 6/24/19
- Letter from Cedar Haven Homeowners Association, received 7/2/19
- Staff Memorandum, dated 7/11/19

STAFF REPORT

The DRB received a staff memo on the application, dated 7/11/19.

APPLICANT COMMENTS

David Shenk reviewed changes to the site plan based on comments received. The rear buffer fence height was increased to 8’ and landscaping was added with more evergreen species. The buffer fence was moved inward on the property, mainly on the southern portion, to be farther from the residences. Offer is made to reconstruct Winter Haven Road to engineering standards and add sidewalk and a bus turnoff.

Ravi Venkataraman said the road is owned by the homeowners association that must approve the rebuild. Staff can approve the project administratively, but it is not part of the application presently before the DRB.

PUBLIC COMMENT

Gail Lindemann said the residents are concerned with additional traffic from the proposed development and the safety of the children. All 12 homeowners in the homeowners association must agree to the offer from Mr. Shenk. There is also concern about the size of the project that adds 63 homes to a road used by 17 residential units. The buffer is close to the houses so more screening is needed. There are utility lines in the area of the sidewalk so the location and maintenance agreements still need to be settled. Also, the school district has not agreed to having the bus come into the development

Bill Potter, Maple Leaf, expressed concern about traffic from 63 houses entering Route 7 with the traffic volume backing up now by Dunkin Donuts. The proposal is too many houses on one site. Ravi Venkataraman said a traffic study has not been done, but data have been submitted showing the turnaround at peak hour. John Day added the legal

maximum number of units (71) is higher than the number proposed (63) per Form Based Code density calculation.

Susan Tortello, White Cedar Lane, asked about parking and the number of cars per unit, adding there is a long queue of cars each morning on Route 7. David Shenk said 48 units in Buildings A & C will be 55 and older which will not generate much traffic. The 15 units at market rate in Building B have no age restrictions. Paul O'Leary added the Yankee Doodle Motel generated eight trips in the PM peak and four trips in the AM peak. The 15 unit building is anticipated to generate 21 PM peak trips. The 48 senior housing units are anticipated to generate 18 AM peak trips so for the 63 units the increase in traffic is relatively light. David Shenk said there are 92 parking places proposed with 78 under the structure and 14 on the surface.

Ashish Ahlawat, Winter Haven Road, asked if the 48 units can be rented to all ages, and echoed the concern about traffic and changing the face of the neighborhood. David Shenk said renters cannot be changed in the 55 and older housing. Ravi Venkataraman said the district uses will be written into the permit.

David Shenk said the building design, density, parking, and open space are the result of Shelburne's regulations. The fence is part of the buffer and must be up to 8' per Form Based Code. An 8' stockade fence will be installed eight feet from the property line (or farther inward as requested by the residents). The landscape detail for the buffer is per the regulations (40 shrubs every 100' and a call out for trees). Ravi Venkataraman said the fence is optional, but must be located within the buffer. Landscaping is mandatory.

Susan Baldwin asked how the project addresses the goals of Form Based Code and the master plan of the town. David Shenk said the project conforms to Form Based Code regulations.

Rosemary Potter asked if the housing will be affordable housing. David Shenk said the housing will be market rate and privately financed, not subsidized by a 3rd party, such as Champlain Housing Trust or Cathedral Square.

Teal Chalek, Cedar Lane, asked about the sidewalk design. David Shenk said the work is conceptual at this point based on input from the residents.

DELIBERATION/DECISION

Sketch Plan, Multi-Family Dwelling Use, 63 Units, 3972 Shelburne Road, David Shenk (FBZ19-01\SUB19-09\CU19-08\SP19-06)

MOTION by John Day, SECOND by Anne Bentley, finalize the record, close the hearing for SUB19-09 (Sketch Plan), CU19-08 (Conditional Use), and SP19-06 (Site Plan), and direct staff to prepare a decision indicating approval of the following:

- **Waivers pursuant to Form Based Code, Section 1.7.6, allowing multiple buildings on one lot, a deviation from Building Placement standards to reduce the required Build-to-Zone by 10', and a deviation from Building**

Elements standards to achieve compliance with the Americans with Disabilities Act.

- Conditional Use and Site Plan Review applications, CU19-08 and SP19-06, to allow for the creation of structured parking and surface parking in excess of the stipulated requirement in conjunction with the creation of 48 residential units and 15 group living units at 3972 Shelburne Road.
- Authorization to file a Final Plan Review Application for SUB19-09 for a 63 unit multi-family housing proposal at 3972 Shelburne Road.

And further, the approval of the Conditional Use (CU19-08) and Site Plan (SP19-06) applications as well as the waivers the applicant has requested are subject to the following conditions:

1. A zoning permit must be filed prior to any construction pursuant to Shelburne Zoning Bylaws, Section 2010.1 and Section 1.7.2 of Form Based Code.
2. Pursuant to Section 1900.5 the applicant must provide a suitable performance bond or other form of security to guarantee the performance and completion of all landscaping required for a period of two years with a zoning permit application.
3. The applicant's Conditional Use Review, Site Plan Review, and waiver approvals are contingent on approval of the applicant's Final Plan Review Application.

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

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Ian McCray, **SECOND** by Anne Bentley, to adjourn the meeting.

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

The meeting was adjourned at 9:45 PM.

RScty: MERiordan