

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 18, 2018**

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

**STAFF PRESENT:** Ravi Venkataraman, DRB Administrator.

**OTHERS PRESENT:** Tim Hartwick, Jim Bouyea, Carol Bouyea, Skip Valley, Justin Kramer, Mike Proia, Katie Horner, Corie Pierce, Brandon Bless, Jordan Holstein, Dale Arango, Many Gurowski, Bob Hayward, John Cross, Dave Marshall, Chris Dorman, John Richardson, Julie Kay.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (6/20/18)
4. Applications
  - Design Review, Replace Garage, 836 Falls Road, Linda Riell (DR18-15)
  - Conditional Use, Replace Garage and Porch, 730 Falls Road, James Nassar (CU18-05)
  - Amend Conditional Use, Remove Condition of Approval, 2997 Shelburne Road, Lake Champlain Transportation Co. (CU05-14R2)
  - Amend Conditional Use\Site Plan, Expand Integrated Agriculture Activities and Parking, 200 Leduc Farm Road, Bread and Butter Farm (CU15-05R1\SP15-03R1)
  - Boundary Line Adjustment, 2003 Spear Street and 2009 Spear Street, Rodolphe and Timothy Vallee (BLA18-01)
5. Other Business
6. Adjournment

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**1. CALL TO ORDER and ANNOUNCEMENTS**

Chair Joanna Watts called the meeting to order at 7 PM. Ian McCray said he will recuse himself from the Bread and Butter Farm application.

**2. PUBLIC COMMENT**

There were no comments from the public at this time.

**3. APPROVAL OF MINUTES**

*June 20, 2018*

**MOTION by Joanna Watts, SECOND by Lisa LaMantia, to postpone action on the minutes of 6/20/18 until the next meeting due to lack of a quorum of members present at the 6/20/18 meeting. 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.

**DR18-15: Design Review to demolish an existing garage and construct a new two-story garage at 836 Falls Road in the Shelburne Village Residential District, Village Design Overlay District and Stormwater Overlay District by Linda Riell**

Justin Kramer appeared on behalf of the application.

#### Submittals:

- Historic Preservation and Design Review Application
- Project information sheet
- Photos of the property
- Site Plan, dated May 2018
- Elevations and floor plans for proposed two-story garage, dated May 2018
- Catalog sheets for windows and doors
- Town of Shelburne Staff Report, dated 7/18/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 7/18/18.

#### APPLICANT COMMENTS

Justin Kramer said the slab under the garage has a fault line crack that prohibits building a second story on the garage. The proposal is to remove the slab and build a new two-story garage in the same location. The second floor of the garage will be living space. There will be a balcony on the back of the second floor and solar panels on the roof.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Design Review, Replace Garage, 836 Falls Road, Riell (DR18-15)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to grant design review approval of DR18-15, application by Linda Riell to replace the existing garage at 836 Falls Road with a new two-story garage with the condition a zoning permit shall be required prior to commencing construction. VOTING: unanimous (5-0); motion carried.**

**CU18-05: Conditional Use to rebuild a garage and porch at 730 Falls Road in the Village Residential, Stormwater Overlay District, and Village Design Review Overlay District by James Nassar, Jr.**

Tim Hartwick appeared on behalf of the application.

Submittals:

- Building Permit Application, received 5/31/18
- Conditional Use Review Application, received 6/11/18
- Town of Shelburne Staff Report, dated 7/18/18

STAFF REPORT

The DRB received a written staff report on the application, dated 7/18/18. Ravi Venkataraman noted due to the significant amount of change to a nonconforming structure staff felt the application should go through the Conditional Use review process.

APPLICANT COMMENTS

Tim Hartwick explained the plan to demolish the existing garage building because the foundation and roof are not good, and build a new garage of the same dimensions. A frost wall will be installed under the porch and garage. A small deck will be added off the breezeway.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Replace Garage and Porch, 730 Falls Road, Nassar (CU18-05)

**MOTION by Joanna Watts, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU18-05 to replace the garage and porch at 730 Falls Road by James Nassar, Jr. as depicted on the filed application materials with the condition a zoning permit shall be required prior to any improvements being done. VOTING: unanimous (5-0); motion carried.**

**CU05-14R2: Amendment to the Conditional Use to remove a condition of approval from 2006 for 2997 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Lake Champlain Transportation Co. (LCT)**

Dale Arango appeared on behalf of the application.

Submittals:

- Conditional Use Review Application, dated stamped 6/21/18

- Site Plan Review Application, date stamped 6/21/18
- List of tenants, date stamped 6/21/18
- Site Plan by Engineering Ventures, Inc., dated 5/20/05 and received 6/21/18
- Site Plan by Engineering Ventures, Inc., dated June 2018 and received 6/21/18
- Town of Shelburne Staff Report, dated 7/18/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 7/18/18.

#### APPLICANT COMMENTS

Dale Arango explained per a prior condition of approval each time there is a turnover in tenancy LCT must get approval from the DRB. The request is for permission to lease to any permitted use.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Amendment to Conditional Use, Remove Condition of Approval, 2997 Shelburne Road, Lake Champlain Transportation Co. (CU05-14R2)

**MOTION by Mark Sammut, SECOND by Lisa LaMantia, to finalize the record, close the hearing, and direct staff to prepare a decision to indicate approval of CU05-14R2, application by Lake Champlain Transportation Co. to amend the previous conditional use approval as depicted on the filled application materials prepared by Dale Arango with the following conditions:**

1. **Conditions not addressed by the application are not altered by the decision.**
2. **The condition applied in 2006 that reads: “The applicant must return to the Zoning Board for any changes in use or intensity to the existing approved businesses.” shall be removed.**

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

**CU15-05R1\SP15-03R1: Conditional Use and Site Plan for expansion of integrated agriculture (IA) activities and parking at 200 Leduc Farm Road in the Rural District and Floodplain Overlay District by Bread and Butter Farm**

Ian McCray recused himself. Elizabeth “Corie” Pierce appeared on behalf of the application.

#### Submittals:

- General Application, Conditional Use Application, and Site Plan, received 5/15/18

- Town of Shelburne Staff Report, dated 7/18/18

#### STAFF REPORT

The DRB received a written staff report on the application, dated 7/18/18. Ravi Venkataraman noted a letter of support was received from Lynn Walker and Mark Saunders, Spent Hen Farm, Cheesefactory Lane.

#### APPLICANT COMMENTS

Corie Pierce explained the operation of the community based farm including the integrated agriculture activities. The request is to allow the bakery to expand its offerings to other prepared foods using ingredients from the farm, such as fruits, vegetables, eggs. The septic system will be expanded to accommodate the change. Parking will also be expanded, but the parking located in Shelburne is not changing. The neighbors have been informed of the expansion and are not opposed. Also, there will not be significant renovations with the proposal.

There was discussion of anticipated revenue from the agricultural activity of the farm and the integrated agriculture activities. Ravi Venkataraman said staff is working to clarify primary and secondary activities on the farm. Corie Pierce said it was unclear where to put the revenue from the bakery (as a primary or secondary activity). The activity on the farm is all related to farming by intention and is food and land based. The applicant will provide any needed or additional information.

#### PUBLIC COMMENT

Mike Proia asked about traffic. Corie Pierce said there is no plan to increase hours of operation of the farm store or increase the number or frequency of farm events. The meals from the bakery will have a higher price point than the baked goods and there will be more wholesale sales.

John Cross, Cheesefactory Road, said Bread and Butter Farm is a tremendous neighbor and good steward of the land. The farm is trying to keep Shelburne rural. There has not been a noticeable increase in traffic from the farm, but there is an increase in traffic from the development on Dorset Street.

Dave Marshall, Civil Engineering, referred to Act 143 (H.663) that went into effect July 1, 2018 and removes regulating agricultural activities by municipalities. Mr. Marshall suggested investigating whether the farm activities qualify under the state definitions and have the Planning Commission update the town's regulations accordingly.

Julie Kay, Hinesburg, spoke of supporting Bread and Butter Farm and the local, quality food that is supplied.

#### DELIBERATION/DECISION

Conditional Use\Site Plan, Expand IA Activities, 200 Leduc Farm Road, Bread and Butter Farm (CU15-05R1\SP15-03R1)

**MOTION by Joanna Watts, SECOND by Jeff Hodgson, to continue review of applications CU15-05R1 and SP15-03R1 by Bread and Butter Farm, 200 Leduc Farm Road, until the 8/15/18 DRB meeting to allow time to review additional information relative to the applications. VOTING: unanimous (4-0); motion carried.**

Ian McCray returned to the DRB.

#### **BLA18-01: Boundary Line Adjustment between adjacent parcels at 2003 Spear Street and 2009 Spear Street by Rodolphe and Timothy Vallee**

Dave Marshall, Civil Engineering Associates, and Skip Vallee appeared on behalf of the application.

#### Submittals:

- Cover letter prepared by Civil Engineering Associates, dated and received 5/30/18
- General Application Form, received 5/30/18
- Boundary Line Adjustment Application prepared by Civil Engineering Associates, received 5/30/18
- Boundary Line Adjustment Plat prepared by Civil Engineering Associates, received 5/30/18
- State of Vermont Waste Water System and Potable Water Supply Permit, dated 6/12/18 and received 6/13/18
- Town of Shelburne Staff Report, dated 7/18/18

#### STAFF REPORT

The DRB received a written Staff Report on the application, dated 7/18/18. Ravi Venkataraman noted the Planning & Zoning Office received inquiries, concerns, and speculations about the application. The DRB is urged to review the zoning and subdivision regulations, and any future requests should be reviewed holistically.

#### APPLICANT COMMENTS

Skip Vallee said he owns the lot at the base of the driveway and would like to adjust the boundary line in order to access the trails on the 70 acres behind the lot (former Carroll lot).

**PUBLIC COMMENT**

Jim Bouyea, 2008 Spear Street, expressed concern about a future housing development and increased traffic using the driveway. Dave Marshall, CEA, explained the land from the former Carroll lot acquired by the applicant will be added to the back parcel in order to access the trails and acreage there. There are restrictive covenants on development to the north, south, and west of the lot.

John Richardson, Hullcrest, expressed concern about drainage, noting storm water runoff flows onto his yard now when the 36” storm drain overflows. There is also erosion. Mr. Richardson urged in the future when discussing any subdivision proposals to be diligent on the drainage issue.

Bob Hayward, neighbor, expressed concern about a housing development on the property.

Carol Bouyea, Spear Street, asked for clarification of the land adjustment. Dave Marshall explained the section of land next to the former Carroll lot will be added to the larger parcel behind the Carroll lot. The back lot will have access to Spear Street to the south and through the connection next to the Carroll lot.

**DELIBERATION/DECISION**

Boundary Line Adjustment, 2003 and 2009 Spear Street, Vallee (BLA18-01)

**MOTION by Mark Sammut, SECOND by Joanna Watts, to finalize the record and approve the boundary line adjustment, BLA18-01, by Skip Vallee for properties at 2003 & 2009 Spear Street as depicted on the Boundary Line Adjustment Plat prepared by Civil Engineering Associates, received May 30, 2018, with the condition the Mylar shall be recorded within 180 days of the approval. VOTING: unanimous (5-0); motion carried.**

**5. OTHER BUSINESS/CORRESPONDENCE**

The following items were noted:

- Discussion of sidewalk on Spear Street will be on the agenda for the 8/15/18 meeting.
- The DRB should review the wording for the pathway in the Findings of Fact for the Kirkpatrick and Farrington applications.
- The current version of the bylaws will be forwarded to the DRB members.
- Ravi Venkataraman will reformat the staff report to include the date of the last hearing on an application, pertinent sections of the minutes on the application, pertinent parts of past decisions, main concerns. A separate staff memo will contain staff’s opinion on an application.

**6. ADJOURNMENT and/or DELIBERATIVE SESSION**

**MOTION by Joanna Watts, SECOND by Ian McCray, to adjourn the meeting.**

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

The meeting was adjourned at 8:35 PM.

*RScty: MERiordan*