

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
August 1, 2018**

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

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Frances Carr, Don Sharp, Ramon Muzzy, Collin Frisbie, Andy Rowe, Jack Milbank, Michael Muzzy, Steve Lavallette.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (6/20/18 & 7/18/18)
4. Applications
 - Conditional Use\Site Plan\Design Review, Change of Use to Residential, 233 Falls Road, Robert Scharf/Wind Ridge Properties, LLC (CU11-10R1\SP09-04R1\DR18-16)
 - Conditional Use, Accessory Apartment, 816 Bishop Road, Don and Sheila Sharp (CU18-06)
 - Conditional Use, Erosion Control Structure, 0 Sledrunner Road, Carr/McMahon/True North Farm of Shelburne Bay, LLC (CU18-07)
 - Sketch Plan, Subdivision, Three Lots, 82 Mount Philo Road, Sterling Land Company (SUB18-02)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Joanna Watts called the meeting to order at 7 PM.

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 David Hillman, to approve the 6/20/18 minutes as written. VOTING: unanimous (4-0); motion carried.

July 18, 2018

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to approve the 7/18/18 minutes. VOTING: 3 ayes, one abstention (Jeff Pauza); action on the 7/18/18 minutes was postponed due to lack of a quorum of members present at the 7/18/18 meeting voting on the minutes.

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.

CU11-10R1\SP09-04R1\DR18-16: Conditional Use\Site Plan\Design Review to partially change the use of an existing Qualifying Structure from commercial use to a residential unit at 233 Falls Road in the Village Center District, Village Core Overlay District, and Village Design Review Overlay District by Robert Scharf on behalf of Wind Ridge Properties, LLC

Robert Scharf appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application, received June 7, 2018
- Cover letter from applicant, received, June 7, 2018
- General Application, received June 7, 2018
- Site Plan Review Application, received June 7, 2018
- Annotated Sketch/Area Table Addendum
- Picture of front of structure, dated April 4, 2002
- Boundary Survey by Button Professional Land Surveyors, PC, dated 10/6/09
- Town of Shelburne Staff Report, dated 8/1/18

STAFF REPORT

The DRB received a written staff report on the application, dated 8/1/18.

APPLICANT COMMENTS

Robert Scharf explained the change of use to residential in a portion of the 2,100 s.f. Victoria style farmhouse now used for commercial purposes. There will be no external changes to the building. The residential unit will likely be a rental or owner occupied if someone wanted to use the building as a principal residence. No changes to the existing barn are anticipated. There is a studio apartment and artist space in the barn.

Jeff Pauza asked if approval would be needed if the house is converted to apartments in the future. Ravi Venkataraman confirmed approval would be needed.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Site Plan\Design Review, Change of Use to Residential, 233 Falls Road, Scarf/Wind Ridge Properties, LLC (CU11-10R1\SP09-04R1\DR18-16)

MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record, close the hearing, and direct staff to prepare a decision to indicate approval of CU11-10R1, SP09-04R1, and DR18-16, Conditional Use, Site Plan, and Design Review applications for a change of use from commercial to residential at 233 Falls Road as depicted on the material prepared by Robert Scharf on behalf of Wind Ridge Properties, LLC with the following conditions:

1. A zoning permit shall be required prior to any changes in use.
2. Conditions not addressed by this application are not altered by the decision.

VOTING: unanimous (4-0); motion carried.

CU18-06: Conditional Use to convert an existing structure that previously hosted a preschool into a two bedroom accessory apartment at 816 Bishop Road in the Rural District and Stormwater Overlay District by Don and Sheila Sharp

Don Sharp appeared on behalf of the application.

Submittals:

- Cover letter from applicant, received June 4, 2018
- General Application, received June 4, 2018
- Conditional Use Review Application, received June 4, 2018
- Town of Shelburne Staff Report, dated 8/1//18

STAFF REPORT

The DRB received a written staff report on the application, dated 8/1/18. Ravi Venkataraman said short term rentals and Airbnb may be a topic of conversation in the future with the Planning Department and the Selectboard. There is no regulatory oversight of Airbnb operations presently though the DRB can look at traffic implications.

APPLICANT COMMENTS

Don Sharp explained the principal residence on the property was built in 2005 and has one bedroom. The existing 1,249 s.f. three bedroom ranch house on five acres that was converted to a preschool is 20' from the principal residence. The proposal is to return the ranch house to residential use as a two bedroom accessory apartment. The preschool is no longer in operation. The accessory apartment is expected to be a long term rental and may be used as an Airbnb on occasion.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Accessory Apartment, 816 Bishop Road, Sharp (CU18-06)

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU18-06 to convert an existing structure previously used as a preschool to a two bedroom accessory apartment at 816 Bishop Road as depicted on the application materials prepared by Don and Sheila Sharp with the following conditions:

1. A zoning permit shall be required prior to any changes in use.
2. Conditions not addressed by this application are not altered by the decision.

VOTING: unanimous (4-0); motion carried.

CU18-07: Conditional Use to construct a lakeshore erosion control structure at 0 Sledrunner road in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by Frances Carr and Edward McMahon on behalf of True North Farm of Shelburne Bay, LLC

Frances Carr appeared on behalf of the application.

Submittals:

- General Application Form, received July 6, 2018
- Conditional Use Review Application, received July 6, 2018
- Design Proposal from Linden L.A.N.D Group, dated November 13, 2017 and received July 6, 2018
- Technical Basis Letter prepared by Civil Engineering Associates, dated June 19, 2018 and received July 6, 2018
- Site Plan
- Landscape Plan
- Aerial photography of the subject property
- Contour map
- Exhibit II
- Image of existing stairs
- Manipulated images from various angles of stairway with proposed erosion control structure in place
- Diagram of proposed erosion control structure
- Correspondence between applicant (Frances Carr) and Vermont DEC, dated 9/27/17
- Vermont DEC Shore Land Project Registration Application, dated 9/7/17
- Correspondence between application (Frances Carr) and U.S. Army Corps of Engineers Senior Project Manager (Michael Adams), dated 10/5/17
- Letter of acknowledgement from abutters, Vladimir Kogan and Vlada Alexeeva, dated 6/14/18

- Town of Shelburne Staff Report, dated 8/1//18

STAFF REPORT

The DRB received a written staff report on the application, dated 8/1//18.

APPLICANT COMMENTS

Frances Carr explained the proposed biotechnical solution to stop erosion and stabilize 50' of lake access shared with the neighbors. The neighbors are in support of the solution. Photos of existing and anticipated conditions were shown.

Jeff Pauza suggested using native gravel for the stone. Jack Milbank, CEA, said some material will be brought in for the landing area at the top of the stairs. The material will match the stone in the area.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Erosion Control Structure, 0 Sledrunner Road, Carr/McMahon/True North Farm of Shelburne Bay, LLC (CU18-07)

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to finalize the record, close the hearing, and direct staff to prepare a decision to indicate approval of CU18-07 for a lakeshore erosion control structure at 0 Sledrunner Road as depicted on the application materials prepared by Frances Carr and Edward McMahon on behalf of True North Farm of Shelburne Bay, LLC with the following conditions:

- 1. A zoning permit shall be required prior to installation of the lakeshore erosion control structure.**
- 2. The applicant must submit a Vermont Agency of Natural Resources Project Review Sheet with the application for a zoning permit.**
- 3. Any materials brought onto the site shall blend with the native rock.**
- 4. Conditions not addressed by this application are not altered by the decision.**

VOTING: unanimous (4-0); motion carried.

SUB18-02: Sketch Plan for a three lot subdivision at 82 Mount Philo Road in the Residential District and Stormwater Overlay District by Sterling Land Company

Andy Rowe with Lamoureux & Dickinson and Collin Frisbie with Sterling Land Company appeared on behalf of the application.

Submittals:

- Cover letter, dated and received July 10, 2018

- General Application Form, received July 10, 2018
- Sketch Plan Review Application, received July 10, 2018
- Site Plan
- Town of Shelburne Staff Report, dated 8/1/18

STAFF REPORT

The DRB received a written staff report on the application, dated 8/1/18.

APPLICANT COMMENTS

Andy Rowe explained the proposal for a three lot subdivision at 82 Mount Philo Road.

The following was noted:

- There is an existing single family home on the front portion of the 1.5 acre lot with a shed in back. The rear portion of the lot is wooded.
- The area is residential.
- There is 6% slope on the front portion of the lot where the single family house is located and 10% slope on the back half of the parcel.
- Two single family lots are proposed for the back portion of the lot with a 30' access easement on the south side of the lot (new curb cut for the easement).
- The property line will likely be adjusted so the shed behind the existing single family house meets the setbacks.
- Mature trees and existing vegetation on the back portion of the lot will be considered when determining the location of the proposed houses. The lot will not be clear cut.
- There is existing sidewalk on the east side of Mount Philo Road and the applicant is requesting that a sidewalk not be required with the application on the west side of the road per Section 1900.8 of the regulations that indicate sidewalk on one side of the street in the Residential District.

David Hillman questioned if the development is compatible with the surrounding area. Andy Rowe said there are residential lots in a variety of sizes in the area, and similar projects on Mount Philo Road with lots created in the back portion of a parcel and an existing house in front. Jeff Pauza observed the proposal appears to be the first of its kind on the street. Collin Frisbie said four lots to the south of the property has an existing shared drive to four units in the back of the lot.

There was discussion of the DRB doing a site visit to get a sense of the surrounding neighborhood and address any concerns. Staff will research information on other similar developments. Andy Rowe offered to submit information for the record on the Kent property that is south of the Muzzy property which abuts the applicant's property.

Mr. Rowe asked if projects previously approved and constructed are considered in the DRB's decision. Jeff Pauza said any previously approved lots for subdivision, but not acted upon indicates the situation was previously addressed and that will be a data point to consider.

Jeff Paula noted input from the Fire Department is needed on the size of the driveway to the proposed houses and if the turning radius is adequate for fire trucks.

PUBLIC COMMENT

Michael Muzzy said his mother lives on the south side of the applicant's property. There are houses built at the back of lots on the east side of the road and to the south, but none on the west side. Most of the lots on the west side of the road are about an acre in size. Mr. Muzzy expressed concern about drainage with any alterations that would channel water closer to his mother's property. Erosion is a problem now.

Steve Lavallette, resident on the north side of the applicant's property, said the parcel is not big enough for three lots without clear cutting the entire parcel. The lots are designed for two lot subdivisions.

DELIBERATION/DECISION

Sketch Plan, Three Lot Subdivision, 82 Mount Philo Road, Sterling Land Company (SUB18-02)

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to continue Sketch Plan review for a three lot subdivision at 82 Mount Philo Road by Sterling Land Company (SUB18-02) until September 15, 2018 to allow time to evaluate the subject property via a site visit and to allow the applicant to gather comments from the Fire Department. VOTING: unanimous (4-0); motion carried.

The DRB scheduled a site visit on 8/13/18 at 6 PM.

5. OTHER BUSINESS/CORRESPONDENCE

The DRB discussed future capital improvement items for FY2020. Suggestions included better technology to better serve the public.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 8:05 PM.