

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 7, 2019**

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

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

**OTHERS PRESENT:** Jen Whalen, Brian Precourt, Scott Gardner, Tim Hussels, Dave Hall, Eileen Nikel, Jeff Zweber, Andy Collette, Frank Talbott, Dave Marshall, Michael Bissonette.

**AGENDA:**

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (7/17/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Design Review, Sign, 65 Falls Road, Whalen (DR19-11)
  - Site Plan\Design Review, Expand Parking Lot and Create Access, 65 Falls, Road, 50 Shelburne Shopping Park, 11 Shelburne Shopping Park, Precourt Investment Co., LLC (SP19-07\DR19-10)
  - Sketch Plan\Form Based Code, Subdivision, Three Lots, 157 Maple Leaf Lane, B&R Developers, Inc. (SUB19-10\FBZ19-02)
  - Final Plan, Re-Subdivision, Two Lots, 2800 Shelburne Road, APC Properties, LLC (SUB19-02)
  - Sketch Plan, Re-Subdivision, Three Lots and Multi-Family Dwelling, 1036 & 1056 Falls Road, Gardner (SUB16-01R1)
6. Other Business
7. Adjournment

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**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**

*July 17, 2019*

**MOTION by Mike Major, SECOND by John Day, to approve the 7/17/19 minutes with the following correction(s)/clarification(s):**

- **John Day suggested adding a statement to the agenda under the Disclosure/Potential Conflicts of Interest agenda item to read:**

- “The Chair asked those present if anyone had any concerns about the participation of any DRB member in any matter on the agenda. No concerns were raised.”
- John Day also mentioned clarification is needed of the statement by applicant for the Shelburne Green proposal regarding the change in hours of operation not impacting the accessory use.

**VOTING:** prior to the vote action on the minutes was postponed due to lack of a quorum present at the 7/17/19 meeting.

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

- Mike Major announced he will recuse himself for the Maple Leaf Lane 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.

**DR19-11: Design Review for a new free-standing sign at 65 Falls Road in the Village Center District, Village Design Review Overlay District, Village Core Overlay District, and Stormwater Overlay District by Jen Whalen**

Jen Whalen appeared on behalf of the application.

#### Submittals:

- Historic Preservation and Design Review Application
- Photographs depicting proposed sign and location
- Sign details checklist
- Town of Shelburne Staff Report, dated 8/7/19

#### STAFF REPORT

The DRB received a written staff report on the application, dated 8/7/19. Ravi Venkataraman explained the proposal to replace the sign panel with a 42” x” 25” panel. Shelburne Historic Preservation & Design Review Committee recommends approval with the condition a sign permit must be secured before installation.

#### APPLICANT COMMENTS

Jen Whalen said she is co-owner of the business at 65 Falls Road. The new sign which is smaller than the previous sign will be installed on the existing post.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Design Review, Sign, 65 Falls Road, Whalen (DR19-11)

**MOTION by Mark Sammut, SECOND by John Day, to grant design review approval to Precourt Investment Co., LLC/Jen Whalen for a new free-standing sign panel at 65 Falls Road as submitted with the condition a sign permit shall be required prior to the installation of the new signage. VOTING: unanimous (6-0); motion carried.**

**SP19-07\DR19-10: Site Plan\Design Review to expend an existing parking lot and create access among adjoining lots at 65 Falls Road, 50 Shelburne Shopping Park, and 11 Shelburne Shopping Park in the Village Center District, village Core Overlay District, Village Design Review Overlay District, and Stormwater Overlay District by Precourt Investment Co., LLC**

Brian Precourt appeared on behalf of the application.

Submittals:

- General Application Form, received 7/16/19
- Historic Preservation and Design Review Application, received 7/18/19
- Site plan Review Application, received 7/16/19
- Proposed Conditions Site Plan, received 7/16/19
- Town of Shelburne Staff Report, dated 8/7/19

STAFF REPORT

The DRB received a written staff report on the application, dated 8/7/19. Ravi Venkataraman said Shelburne Historic Preservation & Design Review Committee recommended approval of the application. Additional landscaping and screening of the parking from adjacent lots to the north of 65 Falls Road and on the southern border need further discussion.

APPLICANT COMMENTS

Brian Precourt explained the intention to gain access from the backside of the former Contois house to Shelburne Shopping Park mainly for truck deliveries. Additional screening is not proposed because the screening would be between parking lots and not structures. There is only one residential unit (single family house) on the property. The other structure has retail on the first floor and 550 s.f. of office space on the second floor. Employees park at the Shopping Park. If the access becomes a cut through problem then the road will be blocked.

John Day observed Section 1900.5.D appears to require screening of parking areas. Ravi Venkataraman said there are no exceptions in the bylaws for screening under site plan review. The DRB can request a landscape screening plan with the zoning permit or inclusion of a fence. Brian Precourt said there is no screening now on the other lots.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Site Plan\Design Review, Expand Parking Lot and Create Access, 65 Falls Road, 50 Shelburne Shopping Park, 11 Shelburne Shopping Park, Precourt Investment Co., LLC (SP19-07\DR19-10)

**MOTION by Mark Sammut, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of Site Plan Review Application, SP19-07, and Design Review Application, DR19-10, by Precourt Investment Co., LLC to expand the parking lot and create access among adjoining lots at 65 Falls Road, 50 Shelburne Shopping Park and 11 Shelburne Shopping Park with the following conditions:**

1. A zoning permit is required prior to any land development pursuant to Section 2010.1.
2. A landscape plan that complies with applicable bylaws shall be submitted with the zoning permit application.

**VOTING: unanimous (6-0); motion carried.**

**SUB19-10\FBZ19-02: Sketch Plan\Form Based Code to create a three lot subdivision at 157 Maple Leaf Lane located in the Mixed Use District, Stormwater Overlay, and Shelburne Road Form Based Overlay District by B&R Developers, Inc.**

Mike Major recused himself. Brian Precourt appeared on behalf of the application.

Submittals:

- General Application Form, received 7/10/19
- Sketch Plan Review Application, received 7/10/19
- Sketch Plan, received 7/10/19
- Town of Shelburne Staff Report, dated 8/7/19

#### STAFF REPORT

The DRB received a written staff report on the application, dated 8/7/19. Ravi Venkataraman said the applicant is proposing a three lot subdivision for single family dwellings. The applicant needs to address open space, sidewalk, and street trees.

#### APPLICANT COMMENTS

Brian Precourt stated there are 22 existing single family lots on Maple Leaf Lane. The proposal is to create two additional lots from an existing lot for a total of three lots. The single family houses to be built will be 2,000 s.f. with a garage. The houses will have municipal water and sewer service. A fire hydrant is already in the neighborhood. With form based zoning for a private yard and garden in mind the back 15' of the property will be open space. The rear yard setback is 20' and the property backs up to the open land for the Cedar Haven neighborhood. Utilities will be underground. There are existing catch basins for storm water. The new houses will be toward the backside of the build-to zone and will be 38' from the street. If the 187' of sidewalk is required to be built, that sidewalk will be the only section of sidewalk on the street and will look odd. Street trees will be planted.

There was discussion of form based zoning allowing waiver of the sidewalk requirement and having the Planning Commission amend the regulation to give the DRB discretion to grant a waiver. Staff will further investigate the matter.

#### PUBLIC COMMENT

Tim Hussels, 160 Maple Leaf Lane, mentioned being denied a variance to enlarge an existing deck by 54 s.f. due to green space, but the current application will allow three houses and sidewalk. There is question how the open space will remain open and the impact on drainage in the neighborhood. The drainage is poor now. Jeff Pauza noted there were public hearings held on form based zoning that was adopted by the Selectboard. Any violation of open space should be reported to the town. Ravi Venkataraman said retrofitting in form based code is tricky, but the Planning Commission revised the code to help allow for this. Regarding storm water drainage, the Water Quality Superintendent will review the plans. Brian Precourt added his engineer will also be reviewing the plans. The houses in the neighborhood were built in the 1960s with block foundations. Clay backfill was used which created the drainage problems. Developing under the current zoning was looked at, but there are challenges. Most of the lots exceed lot coverage.

Jeff Zweber, Bayview Lane, expressed concern about storm water drainage impacting his property. Subdividing into three lots under form based code does not work. Waivers should not be granted. Section 1.4.2 of form based code addresses neighborhood compatibility and infill. The proposal is not similar to what exists in the neighborhood as required by form based code. The transitional buffer is 20' wide and a building cannot be located within the buffer. The water line must be clear of vegetation so the 20' vegetative buffer must be off from that. Mr. Zweber requested that the applicant resubmit the proposal under current zoning. Jeff Pauza asked Mr. Zweber to submit his comments in writing to the Planning Department. Ravi Venkataraman said the proposed development is in the same character district so there is no need for a transition buffer. The DRB can look at compatibility to the neighboring district (Mixed Use Residential Character District).

Dave Hall, Maple Leaf Lane, spoke against the sidewalk which would be out of character with the neighborhood. Also, not having the sidewalk will help with storm water drainage.

Eileen Nikel, 125 Maple Leaf Lane, spoke against the sidewalk and mentioned that water drainage is an issue in the neighborhood which needs to be addressed. Brian Precourt said there is an existing swale behind the Nikel property directing drainage in that direction. Mr. Precourt said his engineer will review the situation.

#### DELIBERATION/DECISION

Sketch Plan/Form Based Code, Subdivision, Three Lots, 157 Maple Leaf Lane, B&R Developers, Inc. (SUB19-10\FBZ19-02)

**MOTION by Jeff Pauza, SECOND by Doug Griswold, to do a site visit on 8/22/19 beginning at 5 PM and continue the hearing on the application by B&R Developers, Inc. for 157 Maple Leaf Lane to 9/4/19. VOTING: unanimous (5-0); motion carried.**

Mike Major returned to the DRB.

**SUB19-02: Final Plan for a two lot re-subdivision at 2800 Shelburne Road in the Mixed Use District and Stormwater Overlay District by APC Properties, LLC**

Dave Marshall appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., received 2/12/19 for Sketch Plan
- General Application Form, received 2/12/10
- Sketch Plan Review Application, received 2/12/19
- “Proposed Mixed Use Subdivision: Review of Town Plan Housing Objectives”, received 2/12/19
- “Proposed Mixed Use Subdivision: Summary of Applicable Planning Standards”, received 2/15/19
- “Land Use: 210 – Single Family Detached Housing” from ITE Trip Generation Manual 10<sup>th</sup> Edition, received 2/12/19
- Wildlife and Endangered Species Mapping from Vermont ANR, received 2/12/19
- Wetland Mapping from Vermont ANR, received 2/12/19
- Site Plans, received 2/12/19
- Town of Shelburne Staff Report prepared for 3/20/19 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc., received 3/26/19 for Preliminary Plan
- Preliminary Plan Review Application, received 3/26/19
- “Land Use: 210 Single Family Detached Housing” from ITE Trip Generation Manual 10<sup>th</sup> Edition, received 3/26/19
- Vermont ANR Wildlife and Endangered Species Map, received 3/26/19
- Vermont ANR Wetland Map, received 3/26/19
- Comments from various town departments pursuant to Shelburne Subdivision Regulations, Section 600(28)
- Site Plans
- Town of Shelburne Staff Report prepared for the 6/5/19 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc., received 7/11/19 for Final Plan
- Final Plan Review Application, received 7/11/19
- “Land Use: 210 Single Family Detached housing” from ITE Trip Generation Manual 10<sup>th</sup> Edition, received 7/11/19
- Wildlife and Endangered Species Mapping from Vermont ANR, received 7/11/19
- Wetland Mapping from Vermont ANR, received 7/11/19
- Stormwater Impaired Watershed Mapping from Vermont ANR, received 7/11/19

- Vermont DEC Watershed Management System Notice of Intent to Discharge Stormwater Form, received 7/11/19
- Site Plans, received 7/11/19
- Town of Shelburne Staff Report, dated 8/7/19

#### STAFF REPORT

The DRB received a written staff report on the application, dated 8/7/19. Ravi Venkataraman reviewed the proposal for a two lot subdivision with a retail use on the 2.8 acre lot and a residential use on the .96 acre lot.

#### APPLICANT COMMENTS

Dave Marshall noted the state waste water permit has been issued and the storm water permit is still pending.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Final Plan, Re-Subdivision, Two Lots, 2800 Shelburne Road, APC Properties, LLC (SUB19-02)

**MOTION by John Day, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of the Final Plan Review Application, SUB19-02, by APC Properties, LLC for a two lot re-subdivision with the following conditions:**

- 1. The mylar must be recorded within 180 days of the signed approval of the decision pursuant to Shelburne Subdivision Regulations, Section 1050.**
- 2. A zoning permit is required prior to any land development pursuant to Shelburne Zoning Bylaws, Section 2010.1 and Shelburne Subdivision Regulations, Section 1120.**
- 3. Prior to the issuance of a zoning permit the developer, their engineer, their contractor, Shelburne Water Quality Superintendent and/or designee, and Shelburne Planning and Zoning staff shall conduct a pre-construction meeting to inform the developer and parties associated with the developer of the rules and notifications concerning inspections in all phases of construction pursuant to Shelburne Subdivision Regulations, Section 740.**
- 4. Pursuant to Section 730, prior to the issuance of a zoning permit the applicant is required to notify the Town Manager when the construction of the required improvements shall begin so that the town can inspect during the construction process in order to assure satisfactory completion of improvements or stipulations required by the DRB.**
- 5. Prior to the issuance of the last Certificate of Occupancy, the engineer providing construction observation and inspection of the work shall certify to the town in writing that the work was completed in accordance with the approved plans pursuant to Shelburne Subdivision Regulations, Section 1140.**

6. **Prior to the issuance of a zoning permit the developer is responsible for informing the Town Manager’s Office of the name of the contractor who will be responsible for onsite installation, observation and inspection of the erosion prevention and sediment control work as specified in Section 1145 of the Shelburne Subdivision Regulations.**

**VOTING: unanimous (6-0); motion carried.**

**SUB16-01R1: Sketch Plan to re-subdivide three lots and establish a three unit multi-family dwelling use on one of the proposed lots at 1036 and 1056 Falls Road in the Shelburne Falls Mixed Use District, Village Design Review Overlay District, and Stormwater Overlay District by Scott Gardner**

Scott Gardner appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 7/9/19
- Property Map of Vermont, Map 35, with subject properties indicated, received 7/9/19
- Site Plan prepared by JRMA Design Studio, received 7/9/19
- Town of Shelburne Staff Report, dated 8/7/19

STAFF REPORT

The DRB received a written staff report on the application, dated 8/7/19. Ravi Venkataraman explained the proposal for a three lot re-subdivision with a multi-family use on the back portion of the southern lot. The proposal is categorized as a Major Subdivision. A landscape plan must be submitted with the Preliminary Plan Application showing hardwood shade trees per Section 810.4 of the subdivision regulations. Shelburne Historic Preservation & Design Review Committee review is needed.

APPLICANT COMMENTS

Scott Gardner said the house at 1036 Falls Road (Lot 1) is old and may not be salvageable. No change is proposed to the house at this time. The lot at 1056 Falls Road is narrow so the boundary will be moved to widen the lot. No change is proposed to the house under construction. The multi-family dwelling will be built on Lot 3. The driveway to Lot 1 will provide access to all the units.

Ravi Venkataraman explained a building permit was issued for a single family dwelling on Lot 2. Lot 1 has an existing single family house. Lot 3 has 30,000 s.f. of developable land due to floodplain or steep slope. The Fire Department will review the roadway. A road name will be needed and the houses will have to be numbered. Scott Gardner disagreed with the statement about the land not being developable. A road needs to be built to gain access to the space, but that is not being proposed.

PUBLIC COMMENT

Frank Talbott, 1022 Falls Road, questioned how a three unit multi-family building with rental units can be allowed in a small area in the historic district. Ravi Venkataraman explained the review by the Shelburne Historic Preservation & Design Review



Committee because the development is in the Village Design Review Overlay District and Historic Register. Conditional Use review will be required for the multi-family use.

Jeff Pauza mentioned the DRB having discretion with approval of triplex buildings. Ravi Venkataraman said the DRB can make a recommendation at Sketch Plan review regarding duplex versus trip-plex and then take action on what is brought forth at Preliminary Plan review. Application for a duplex would be considered a Minor Subdivision and require less review process.

#### DELIBERATION/DECISION

Sketch Plan, Re-Subdivision, Three Lots and Multi-Family Dwelling, 1036 & 1056 Falls Road, Gardner (SUB16-01R1)

**MOTION by John Day, SECOND by Mark Sammut, to classify SUB16-01R1, application for a three lot re-subdivision and multi-family dwelling at 1036 & 1056 Falls Road by Scott Gardner, 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 with the following conditions:**

- 1. The applicant must submit a Conditional Use Review Application with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Section 920.2.**
- 2. The applicant must submit a Site Plan Review Application with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Sections 960.**
- 3. The applicant must submit a landscaping plan depicting hardwood shade trees on both sides of the private roadway pursuant to Shelburne Subdivision Regulations, Secion 810(4).**

**VOTING: unanimous (6-0); motion carried.**

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

None.

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

**MOTION by Mark Sammut, SECOND by Doug Griswold, to adjourn the meeting.**

**VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 8:36 PM.

*RScty: MERiordan*