

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 19, 2020**

***Meeting held by teleconference.**

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

STAFF PRESENT: Dana Hanley, DRB Coordinator; Dean Pierce, Town Planner.

OTHERS PRESENT: Andy Rowe, Bart Frisbie, Colin Frisbie, Anne Elston, David Elston, David Shenk, David Webster, Joyce George, Shirley Gideon, Kim Stevens, Chuck Stevens, Thomas Stevens.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (8/5/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Subdivision, Two Lots, 2659 Shelburne Road, Shenk Enterprises, LLC (SUB11-02R1)
 - Preliminary Plan/Site Plan, PUD-R, 18 lots, 428 Webster Road, Sterling Land Co., LLC (SUB19-05)
 - Pre-Application Conference, Subdivision, Two Lots, 161 Dorset Hill Lane, Elston (SUB20-03)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair David Hillman called the teleconference meeting 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

August 5, 2020

MOTION by John Day, SECOND by Mark Sammut, to approve the 8/5/20 minutes as presented. VOTING by roll call: unanimous (6-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

There were no announcements of potential conflicts of interest from the board members. 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.

SUB11-02R1: Sketch Plan for a two lot subdivision with one lot associated with an existing commercial use and the second lot for a planned residential use at 2659 Shelburne Road in the Mixed use and Residential Districts, and the Stormwater Overlay District by Shenk Enterprises, LLC

David Shenk appeared on behalf of the application.

Submittals:

- Cover letter prepared by O’Leary-Burke Civil Associates, Inc., dated 7/13/20
- General Application Form
- Sketch Plan Review Application
- Sketch Plan (Sheet #1), received 3/26/19
- Plan Sheet #1, Site Plan prepared by O’Leary-Burke Civil Associates, dated 7/20/20
- Plan Sheet #1A, Site Plan (ortho)
- BFP classified ad, 8/2/20
- Town of Shelburne Planning and Zoning sign protocol
- Notice of hearing
- Notice of application
- Town of Shelburne staff report, dated 8/19/20

STAFF REPORT

The DRB received a written staff report on the application, dated 8/19/20. Dana Hanley reported the two lot subdivision is located at the corner of Rte. 7 and Martindale. The existing deli building is on the front lot and will remain without change. The back lot will accommodate a 4,800 s.f. building with eight units of multi-family housing. The green space easement deed allows for green space that can be planted, but cannot be developed, and allows the front lot to have 50% lot coverage. A zoning district boundary adjustment is needed to take full advantage of the Mixed Use District. The existing house on the property may have historic implications, however, the house is not part of the current application.

APPLICANT COMMENTS

David Shenk explained the green space easement is for the lot coverage on the deli store parcel. The land is under condos documents. Act 250 review will be needed for the proposal to build a two story, eight unit building with two parking spaces per unit and one handicap space. The Shelburne Historic Preservation Committee will address the existing house on the property.

John Day asked if having a green space easement is an acceptable way to expand lot coverage. Dana Hanley said there is precedent for noncontiguous easements. Dean Pierce

clarified there is precedent for the legal mechanisms to have an easement on adjoining properties, but with the green space not touching the deli property there is no precedent.

PUBLIC COMMENTS

Shirley Gideon, abutting property owner, asked if the Shelburne Beverage building will be changed and whether there will be a fence for privacy for the neighboring residences. David Shenk said he does not own Lot 1 where Shelburne Beverage is located and a privacy fence can be installed as part of the project though the proposed development is residential with 50' of separation downhill of the existing Martindale residential neighborhood. There is a 50' setback to the south as well.

Another neighbor to the project asked if the 50' space is the green easement and why the easement is not between the deli and the multi-family development. David Shenk said the green easement is not the 50' of separation. The green space will be planted and can have landscaping/trees. The purpose of the easement is for lot coverage. The area will not be developable. John Day pointed out whomever owns the easement makes the decisions on the landscaping. The owner of the deli/liquor store owns the easement, not the applicant.

Joyce George, resident, asked if the units will be rental or owner occupied, why the green space is not part of Lot 1 to make a legal lot, whether the curb cut off Route 7 will be maintained, and whether a traffic study will be done. David Shenk said the decision has not yet been made on rental or ownership, the easement allows the deli parcel (Lot 1) to have 50% lot coverage (cannot build on the green space or in the setback), there can be more commercial development, but not residential, VTrans has not been contacted yet on the curb cut, and traffic will be addressed with the Preliminary Plan (there are only eight units which will not trigger a traffic study; IT data for eight units can be provided).

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 2659 Shelburne Road, Shenk (SUB11-02R1)

There was discussion of the classification of minor subdivision for the proposal. Dean Pierce pointed out the applicant is not required to do Preliminary Plan Review with a minor subdivision (can go straight to Final Plan Review), but the subdivision regulations say the DRB can require a minor subdivision to meet all the requirements of a major subdivision. David Shenk said he will likely go directly to Final Plan Review because that is functionally the same as Preliminary Plan Review.

MOTION by Mark Sammut, SECOND by Mike Major, to classify the application for a two lot subdivision at 2659 Shelburne Road, SUB11-02R1, as a Minor Subdivision, and finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Preliminary Plan or Final Plan application with the following conditions:

- 1. The applicant shall obtain comments from the appropriate town departments before submittal.**
- 2. A Project Review Sheet shall be included in the Preliminary Plan or Final Plan application if it has been issued by the State of Vermont.**

3. A Conditional Use application shall be filed due to the requested zoning district boundary adjustment.
4. The applicant shall address the requirements of the Stormwater-Impaired Watershed Overlay District in the Preliminary Plan/Final Plan application.

VOTING by roll call: unanimous (6-0); motion carried.

SUB19-05: Preliminary Plan\Site Plan for an 18-lot residential subdivision at 428 Webster Road in the Residential District and the Stormwater Overlay District by Sterling Land Co., LLC

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

Submittals:

- Notice of hearing
- Notice of application
- Letter from Andy Rowe, dated 7/24/20
- Preliminary Plan Review Application
- Site Plan Review Application
- Site Location Map, Vermont ANR, PUD-R
- Attachment 1: Narrative, Location Map, Soils Map, Gardenside Nurseries
- Webster Road PUD-R, Gardenside Nursery Property, July 2020
- Memo from Art Gilman, Gilman & Briggs Environmental, dated 7/15/19
- Letter from Scott Newman, dated 4/13/20
- Technical Memo from Roger Dickinson, dated 6/29/20
- Attachment A, Intersection Capacity Analysis
- School Impact Questionnaire
- Final Plan Review, Betsy Cieplicki, dated 6/26/20
- Final Plan Review, Aaron Noble, dated 6/26/20
- Memo from Lee Krohn, dated 7/9/20
- Preliminary Plan Review, Jerry Ouimet, dated 7/19/20
- Memo from Chris Robinson, dated 7/9/20
- Email from Rick Lewis, dated 7/23/20
- Email from Andy Rowe, dated 8/12/20
- Plan, Sheet #1, Overall Site Plan Lamoureux & Dickinson, dated 6/19/20
- Plan, Sheets #2 & #3, Grading & Utility Plan West and East, dated 6/19/20
- Plan, Sheet #4, New Public Street Profile, dated 6/19/20
- Plan, Sheet #5, Landscaping Plan, dated 6/19/20
- Plan, Sheets #6 & #7, Erosion Prevention & Sediment Control, Pre- and Post-Construction, dated 6/19/20
- Plan, Sheet #8, Erosion Prevention & Sediment Control, Stabilization, dated 6/19/20
- Plan, Sheet #9, Details and Road specifications, dated 6/19/20
- Plan, Sheets #10, #11, #12, #13, #14, Details and Specifications, Sewer, Water, Storm & EPSC, Stormwater Bioretention Area, Gravel Wetland, dated 6/19/20
- Plan, Sheet #15, Post-Construction Soil Depth and Quality Plan, dated 6/19/20

- Plan, Sheet #PL, Subdivision Plat, dated 6/19/20
- Plan, Sheet #ST1, Stormwater Drainage Areas & Layout, dated 6/19/20
- Town of Shelburne staff report, dated 8/19/20

STAFF REPORT

The DRB received a written staff report on the application, dated 8/19/20. Dana Hanley reported the PUD-R includes Lot 18 which is open space with Class 2 wetlands and a stormwater retention area. The development will have single family and multi-family units. The applicant has a landscaping plan and a traffic plan.

APPLICANT COMMENTS

Andy Rowe said in 2019 a conventional subdivision proposal was planned, but the wetlands changed the plans to a Planned Unit Development-Residential (PUD-R) in order to have the flexibility to cluster the houses on smaller lots to the north and wetlands to the south. There will be 17 single family and multi-family (duplex) units. There will be no impact to the Class 2 wetlands and only minor impact to the Class 3 wetlands. Comments from department heads will be addressed at Final Plan review. New sidewalk in the development will connect to the existing Webster Road bike path. Traffic information will be submitted as well as a Project Review Sheet from the State of Vermont. A stormwater management plan has been submitted. There is a bioretention area that picks up runoff from the development and Webster Road. Street trees and plantings by the new houses will be done. A streetlight will be installed at the intersection of the new street and Webster Road. Town of Shelburne lighting standards will be met. There is no significant or critical habitat or rare plants on the site. Shelburne Natural Resources Committee has reviewed the application.

Bart Frisbie said the plans have been shown to the neighbors to the west of the project and the nature of the screening behind the bioretention area discussed. There is already considerable screening, but this will be augmented where needed.

PUBLIC COMMENT

Kim and Chuck Stevens, neighbors to the project, expressed concern about the level of groundwater and runoff going into the ravine and impacting their property. Andy Rowe said the stormwater runoff is either directed to the bioretention area or through the gravel wetland for retention or treatment. The stormwater management system is being designed for the 25-year storm. A state stormwater permit will be needed for the project. John Day pointed out according to the developer the water level will remain the same, but the rate of flow of the water will be lower than presently or without increase over present levels.

David Webster, Webster Road, said the developer indicated the proposal will keep in character with the neighborhood, but six houses facing Webster Road is not in keeping with the character.

Thomas Stevens, resident, question how the runoff to 97 Gardenside Lane is not increasing with the addition of a development. There is concern about more water on the

Stevens and O'Brien properties because of the development. John Day reiterated there will not be less water, just a lower rate of runoff. Andy Rowe explained the gravel wetland and bioretention area will treat and slow down the runoff. There is more impervious area with the development and that is why these features are included. Chuck Stevens asked how it is determined that the rate will be lower. Andy Rowe said hydrologic modeling of the rate of runoff was done from the development, not the full area that drains onto neighboring properties. The town will be provided the same stormwater permit information as provided to the state, and the project cannot move forward without a state stormwater permit.

DELIBERATION/DECISION

Preliminary Plan, PUD-R, 18 Lot Subdivision, 428 Webster Road, Sterling Land Co. (SUB19-05)

MOTION by Mike Major, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Final Plan application for SUB19-05, 18-lot subdivision, PUD-R, at 428 Webster Road by Sterling Land Co., LLC with the following conditions:

1. **The applicant shall revise the plans to show a detail for lateral connections as well as an Inserta Tee.**
2. **The applicant shall revise the plans to show the water main continuing north and connecting to the existing water main on Webster Road.**
3. **The applicant shall revise the plans to show the proposed hydrant at Station 15+55 RT moved to the corner of Acorn Lane and Webster Road on Lot #6.**
4. **The applicant shall regularly maintain all stormwater treatment systems.**
5. **All exterior lighting shall be fully down shielded.**
6. **The applicant shall adjust the curb stops to be two feet inside the street line.**
7. **Hydrant valves shall be shown on the plans.**
8. **The applicant shall show water mains and sewer services on the Landscaping Plan.**

VOTING by roll call: unanimous (6-0); motion carried.

SUB20-03: Pre-Application Conference for a proposed two lot subdivision at 161 Dorset Hill Lane in the Rural District and a portion in the Stormwater Overlay District by Anne and David Elston

Anne and David Elston appeared on behalf of the application.

STAFF REPORT

Dana Hanley said the pre-application conference is to discuss the proposal to carve out 6.25 acres of land from the existing lot at 161 Dorset Hill Lane with the existing house where the applicant's mother lives. The new lot will be served by on-site water and sewer.

APPLICANT COMMENTS

Anne and David Elston said the plan is to build a new house on the 6 acres of land. The property has been surveyed and the 60% open space rule and 50' setback have been accommodated. The area for the septic for the new house and a replacement field for the

existing house has been identified. Thanks are extended to Dean Pierce for his assistance with the proposal over the past years.

DELIBERATION/DECISION

Pre-Application Conference, Two Lot Subdivision, 161 Dorset Hill Lane, Elston (SUB20-03)

The DRB advised the applicant to move the proposal forward to Sketch Plan review.

6. OTHER BUSINESS/CORRESPONDENCE

Next Meeting

MOTION by Mike Major, SECOND by Mark Sammut, that if there are no applications for the DRB meeting on 9/2/20 then the DRB will meet on 9/16/20.

VOTING by roll call: unanimous (6-0); motion carried.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by John Day, SECOND by Mike Major, to adjourn the meeting.

VOTING by roll call: unanimous (6-0); motion carried.

The meeting was adjourned at 8:38 PM.

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