

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
September 19, 2018**

MEMBERS PRESENT: Joanna Watts (Chair); Ian McCray, Jeff Pauza, Lisa LaMantia, David Hillman, Mark Sammut, Jeff Hodgson.
STAFF PRESENT: Ravi Venkataraman, DRB Administrator; Lee Krohn, Interim Town Manager.
OTHERS PRESENT: Dick Elkins, Charli Kail, Bob Nappi, Jason Grignon, Andy Rowe, Alan Kirkpatrick, Peter Ewing, Bruce Campbell, Michael LaMantia, Roger Preis, Ted Johnson, Mark Militeuo, Brandon Bless, Jon Binhammer, Dan Smith, Janice Nicklas, David Dumont, Todd Gray, Mark Saunders, Chris Galipeau, Norm Smith, Andy Rowe, Chris Snyder.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (9/5/18)
4. Applications
 - Final Plan, Subdivision, Two Lots, 6747 Spear Street, Alan Kirkpatrick (SUB17-03)
 - Site Plan\Conditional Use, Expand Vehicle Business, 85 Executive Drive, Bruce and Susan Thibaud (SP99-01R1\CU99-05R1)
 - Preliminary Plan, Subdivision, Four Lots, 300 Cheesefactory Lane, Peter Ewing (SUB18-01)
 - Preliminary Plan, Residential PUD, 91 Units, 5760 Spear Street, Snyder Homes, LLC (SUB16-02)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

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

ANNOUNCEMENTS

Ian McCray and Lisa LaMantia announced they will recuse themselves for the Snyder application.

2. PUBLIC COMMENT

There were no comments from the public at this time.

3. APPROVAL OF MINUTES

September 5, 2018

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to approve the 9/5/18 minutes with the following correction(s)/clarification(s):

- SUB18-02, Sterling Land Company application, Mount Philo Road, MOTION - delete “three lots”.
- SUB13-02R3, Stowe Club Highlands Threshold, Graham Way, Shelburne Green, VOTING – change “unanimous (7-0)” to “five ayes, 2 nays (Lisa LaMantia, Joanna Watts)”.

VOTING: unanimous (7-0); 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.

SUB17-03: Final Plan for a proposed two lot subdivision at 6747 Spear Street in the Residential District and Stormwater Overlay District by Alan Kirkpatrick

Chris Galipeau, CEA, Alan Kirkpatrick, and attorney Norm Smith appeared on behalf of the application.

Submittals:

- Exhibit A - Hearing memorandum to address the requirement for a sidewalk
- Exhibit B – Article XIX, Shelburne Zoning Regulations
- Exhibit C – Land Use Permit, Act 250
- Exhibit D – Rhodes v Town of Georgia, Docket 166VT153

STAFF REPORT

It was noted the DRB did a site visit to the property at 6747 Spear Street prior to the DRB meeting.

APPLICANT COMMENTS

Attorney Norm Smith said the sidewalk being required with the two lot subdivision would not connect to any other path, sidewalk, facility or lot. The town widened Spear Street and that could serve as the alternate facility. If the sidewalk is to be built then most of the existing trees would have to be removed (against the desires of Shelburne Natural Resources) and the sidewalk would lead to nowhere due to constraints on properties to the north and south.

Alan Kirkpatrick said he attended the Paths Committee meeting, Planning Commission meeting, and now the third DRB meeting to discuss the path. It seems the bylaws are making the requirements too early in the process. There needs to be a feasibility study first with costs then the plan can be implemented and written into the bylaws.

Jason Grignon, Planning Commission Chair, explained how the bylaw change originated (the DRB requested clarity and the Planning Commission tried to address the request). The alternate facility was put in for the purpose of the sidewalk issue. The intent was as developments happen space for a path would be carved out so the path could eventually be built. Jeff Pauza commented it would be helpful to have a discussion with the Planning Commission and Selectboard on the broader picture.

Norm Smith said it seems the provision was intended for large, multi-lot subdivisions, not a small two lot subdivision.

David Hillman said what he saw on the site walk meets the criteria of an alternate facility.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Subdivision, Two Lot, 6747 Spear Street, Kirkpatrick (SUB17-03)

MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record for SUB17-03 (two lot subdivision at 6747 Spear Street) by Alan Kirkpatrick.

VOTING: unanimous (7-0); motion carried.

MOTION by Joanna Watts, SECOND by Mark Sammut, to direct staff to prepare a decision to indicate approval of SUB17-03 by Alan Kirkpatrick for 6747 Spear Street with conditions as set out in the written decision issued by the DRB in a timely fashion. VOTING: unanimous (7-0); motion carried.

SP99-01R1\CU99-05R1: Site Plan\Conditional Use to expand a vehicle sales and repair business and reconfigure property at 85 Executive Drive in the Mixed Use District and Stormwater Overlay District by Bruce and Susan Thibaud

MOTION by Joanna Watts, SECOND by Lisa LaMantia, per the request of the applicant to continue the hearing for SP99-01R1\CU99-05R1 until October 3, 2018.

VOTING: unanimous (7-0); motion carried.

SUB18-01: Preliminary Plan for a proposed four lot Residential Planned Unit Development at 300 Cheesefactory Lane in the Rural District by Peter Ewing

Peter Ewing and Jon Binhammer appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 4/16/18

- Vermont Wetlands General Permit, received 4/16/18
- Project Review Sheet, received 4.16.18
- Existing Conditions Site Plan (Sheet C1-03)
- Overall Waste Water Site Plan (Sheet C3-01)
- Staff Report for May 2, 2018 DRB meeting
- Cover letter, received 8/24/18
- Site Plan Review Application, received 7/3/18
- Preliminary Plan Review Application, received 7/3/18
- Amendment to Purchase and Sales Agreement, dated 5/25/18 and received 7/13/18
- Wastewater System and Potable Water Supply Permit
- Department Head comments per Shelburne Subdivision Regulations, Section 600(28)
- Site Plan (Sheet C2.01), received 7/13/18
- Town of Shelburne Staff Report, dated 9/19/18

STAFF REPORT

The DRB received a written staff report on the application, dated 9/19/18. Ravi Venkataraman noted comments from the Fire Department were received. The building envelopes and setbacks will be finalized in the Final Plan. The proposed parking area by the applicant is in South Burlington. The DRB needs to determine if pedestrian facilities are needed for the trail easement and access to protected lands.

APPLICANT COMMENTS

Peter Ewing said there are three lots in Shelburne and one lot in South Burlington. Preliminary plan approval was granted for the lot in South Burlington. Shelburne Fire Department indicated they want to continue the road as built in South Burlington with widening and adequate turn radius. Nearly 40 acres of land in Shelburne will be conveyed to The Nature Conservancy (TNC) and 45 acres conveyed to Vermont Land Trust (VLT) and Bread & Butter Farm in Shelburne for a total of 85 acres of conserved land. It has always been a high priority for the family to conserve the land and that plan is being pursued with UVM, TNC, and VLT. Seventeen acres of the property will be subdivided into three lots for three houses. Regarding the trail access, there has been access to the farm via the old farm road for over 100 years. The farm road leads to the hay fields and Shelburne Pond. Three parking spaces are proposed off the gravel road by the driveway. There is a trail easement going east across the top of the property to Muddy Brook and there is an easement to Bread & Butter Farm.

Jeff Pauza asked if there is legal access. Peter Ewing said there is a legal right-of-way on the farm road for UVM. TNC and UVM own the access. Ravi Venkataraman said there

is question whether a pedestrian facility from the single family dwellings to the easement is needed based on demand usage when only UVM and TNC will be using the access.

Jeff Pauza asked where the proposed parking spaces will be located. Peter Ewing said a sign will be posted for the parking which will be for TNC and UVM. The site plan can be updated to reflect the parking and all the rights-of-way. Jon Binhammer said TNC needs public access to the acreage in Shelburne in order to get to the land in South Burlington and to apply for funding.

PUBLIC COMMENT

Mark Saunders, 148 Cheesefactory Lane, pointed out the old part of the farm road is on his property. The road provides access to Bread & Butter Farm. Use of the road by UVM and TNC is fine, but an increase in visitors and traffic would be problematic. Peter Ewing said the 60' right-of-way/access is on his brother's property. Mr. Saunders upgraded the road to his barn and the road now straddles the property. A sign saying "No Motorized Vehicles" can be posted which may restrict access. Jon Binhammer said the goal is to add 48 acres to the UVM natural area. TNC will hold a conservation easement on the property. UVM and TNC do not publicize the access. The public is encouraged to use the access at Shelburne Pond. TNC is applying for public funding to acquire the property which requires a public access to the land, but the access does not need to be publicized or encouraged. Technically hunting is not allowed on the UVM natural area land.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, Four Lot R-PUD, 300 Cheesefactory Lane, Ewing (SUB19-01)

MOTION by Joanna Watts, SECOND by Jeff Pauza, to finalize the record and close the hearing for the Preliminary Plan application, SUB18-01, by Peter Ewing for a four lot R-PUD at 300 Cheesefactory Lane. VOTING: unanimous (7-0); motion carried.

MOTION by Joanna Watts, SECOND by Lisa LaMantia, to authorize the applicant to prepare a Final Plan application with the following recommendations:

- 1. Include on the site plan for Final Plan review depiction of buffers, building envelopes, and setback dimensions as stipulated in Shelburne's zoning bylaws and approved by the DRB as well as building heights.**
- 2. Include on the site plan for Final Plan review the right-of-way easements and parking.**
- 3. Include on the site plan and/or orthographic images that show there is sufficient screening along the roadway and between the proposed dwellings.**

4. **Include on the site plan the parking area (three spaces).**
5. **Include on the site plan the requirements stated by the Fire Department.**
6. **Include the homeowners association agreement covering covenants and deed restrictions with the Final Plan submission.**

VOTING: unanimous (7-0); motion carried.

SUB16-02: Preliminary Plan for a 91 unit Residential Planned Unit Development (R-PUD) at 5760 Spear Street in the Residential District and Stormwater Overlay District by Snyder Homes, LLC

Andy Rowe, Lamoureux & Dickinson, and Chris Snyder appeared on behalf of the application.

STAFF REPORT

The DRB received a staff memo on the application, dated 9/13/18. Ravi Venkataraman noted the hearing only pertains to water supply to the development.

APPLICANT COMMENTS

Chris Snyder reviewed there have been three hearings on the application and one site visit. Partial findings were received 12/28/17. An extension was requested to allow the Shelburne Water Commission to resolve the water allocation. The water supply matter is now resolved and Shelburne Water Commission provided an allocation letter. During the extension work continued on the conditions outlined for the Final Plan application.

Jeff Pauza asked about the water supply. Chris Snyder said the water supply is the water line along the west side of Spear Street to Collimer Drive. All the streets in the proposed development will be public and the water line will be along the streets looping back to Spear Street at both the northerly and southerly entrances. The water will come from the water tower on Dorset Street.

PUBLIC COMMENTS

Mike LaMantia, Boulder Hill, spoke about the material change in runoff from the property (golf course) above Boulder Hill. The water runoff from a storm on May 4, 2018 overflowed the catchment system and flooded the street. There is concern that adding 91 units on the former golf course land and the associated macadam will increase the flow of storm water.

Janice Nicklas, 673 Mount Philo Road, urged the soil be tested for residue of pesticides which are typically used on golf courses so the children in the new homes will be safe playing in the yards.

Roger Preis, 235 Boulder Hill Drive, asked who will be paying for the water from South Burlington. Jeff Pauza said the Water Commission will be able to provide that information. Chris Snyder said there is an agreement between South Burlington and Shelburne for water storage capacity. Shelburne historically and currently has been using the storage capacity in the tank on Dorset Street in South Burlington. This was discovered when the water line on Spear Street was replaced. The agreement outlines payment for previous use of water and future use. Snyder Homes will contribute a substantial amount of money to pay for water storage in the Dorset Street tank for the proposed neighborhood and future growth in the district over the next 10 to 20 years. New connection fees will pay for the water.

Dave Dumont, Mount Philo Road, spoke of the expertise in genetics and toxicology of Janice Nicklas, Ph.D. Jeff Pauza agreed the soil must be safe. Andy Rowe said this can be investigated for Final Plan review. The golf course management plan can be reviewed relative to the application of pesticides. Ravi Venkataraman reiterated the current hearing pertains to water. The DRB could ask if the soil quality affects the water quality from the tap. Chris Snyder said a survey of the property is done prior to financing. A review of the entire property and any past contaminations will be known before purchase.

There was continued public comment in support of determining whether the soil is contaminated or safe.

DELIBERATION/DECISION

Preliminary Plan, R-PUD, 91 Units, 5760 Spear Street, Snyder Homes (SUB16-02)

MOTION by Joanna Watts, SECOND by Jeff Pauza, to authorize the applicant, Snyder Homes, LLC, to prepare a Final Plan for SUB16-02 for a 91 unit R-PUD at 5760 Spear Street with conditions as set out in the written decision issued by the DRB in a timely fashion. VOTING: unanimous (5-0); motion carried.

Ian McCray and Lisa LaMantia returned to the DRB.

5. OTHER BUSINESS/CORRESPONDENCE

None.

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Joanna Watts, SECOND by David Hillman, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 8:30 PM.