

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
November 7, 2018**

MEMBERS PRESENT: Jeff Pauza (Chair); Mark Sammut, David Hillman, Jeff Hodgson, John Day, Lauren Giannullo. (Ian McCray was absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Andy Rowe, Monique Denault, Ed and Sue Kiniry, William Forsyth, David Diaz, Dave Marshall, Vance Schug, Jeff Baer, Dave Parmelee, Gail Albert, Collin Frisbie, Bart Frisbie, Tracy Barrows.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (10/17/18)
4. Applications
 - Design Review, Free Standing Sign, 5068 Shelburne Road, Citizens Bank (DR18-20)
 - Conditional Use, Modify Nonconforming Sign, 2659 Shelburne Road, Vermont Department of Liquor Control and Department of Lottery/NIMRAH, LLC (CU18-08)
 - Final Plan, Subdivision, Four Lots, 25 & 39 Irish Hill Road, Sterling Land Company, LLC (SUB17-02)
 - Sketch Plan, Residential PUD, Nine Lots, 1348 Irish Hill Road, Whalley (SUB18-03)
5. Other Business
6. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Jeff Pauza called the meeting to order at 7 PM.

ANNOUNCEMENTS

John Day said he will recuse himself for the Whalley application (SUB18-03).

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

October 17, 2018

MOTION by Mark Sammut, SECOND by John Day, to approve the 10/17/18 minutes as written. VOTING: unanimous (6-0); 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.

DR18-20: Design Review to replace a free standing sign at 5068 Shelburne Road in the Village Center District, Village Core Overlay District, Village Design Review Overlay District, and Stormwater Overlay District by Citizens Bank

Monique Denault with Twin State Signs appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application
- Proposed signage plan, Philadelphia Sign Company
- Photo of existing sign and proposed sign, Philadelphia Sign Company
- Aerial photo of property, Philadelphia Sign Company
- Property Owner Authorization Letter
- Town of Shelburne Staff Report, dated 11/7/18

STAFF REPORT

The DRB received written staff report on the application, dated 11/7/18.

APPLICANT COMMENTS

Monique Denault explained the sign will be a single post system. The bottom of the sign will be tethered to prevent movement. Muted colors will be used on the sign.

Jeff Pauza asked the distance of the sign from the sidewalk. Monique Denault said the outer edge of the sign meets the setback requirement.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Replace Sign, 5068 Shelburne Road, Citizens Bank (DR18-20)

MOTION by Mark Sammut, SECOND by Jeff Hodgson, to grant design review approval to Citizens Bank/Twin State Signs for a replacement free-standing sign at 5068 Shelburne Road with the option to add a restraining chain or bar and with the condition a sign permit shall be required prior to installation of the new sign.

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

CU18-08: Conditional Use to modify an existing nonconforming sign at 2659 Shelburne Road in the mixed Use District and Stormwater Overlay District by Vermont Department of Liquor Control and Lottery Division/NIMRAH, LLC

Tracy Barrows appeared on behalf of the application.

Submittals:

- Conditional Use Review Application, received 10/10/18
- Proposed sign design, received 10/10/18
- Aerial photo of subject property, received 10/10/18
- Town of Shelburne Staff Report, dated 11/7/18

STAFF REPORT

The DRB received a written staff report on the application, dated 11/7/18. Ravi Venkataraman noted per Section 1970.1 the sign can be illuminated 6 AM to 11 PM.

APPLICANT COMMENTS

Tracy Barrows said the Vermont Department of Liquor Control is modernizing signs around the state. The bottom of the sign will be green with a different logo. The bulbs inside the sign will be updated with low glow, high efficiency bulbs.

PUBLIC COMMENTS

None.

DELIBERATION/DECISION

Design Review, Modify Nonconforming Sign, 2659 Shelburne Road, Vermont Department of Liquor Control/NIMRAH, LLC (CU18-08)

MOTION by Jeff Pauza, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU18-08, Conditional Use application by Vermont Department of Liquor Control and Lottery Division/NIMRAH, LLC to modify an existing nonconforming sign at 2659 Shelburne Road with the condition the sign can only be illuminated between 6 AM and 11 PM as stipulated by Section 1970.1 of the zoning bylaws. VOTING: unanimous (6-0); motion carried.

SUB17-02: Final Plan for a proposed four lot subdivision at 25 and 39 Irish Hill Road in the Residential District, Shelburne Falls Mixed Use District, and Floodplain and Watercourse Overlay District by Sterling Land Company, LLC

Andy Rowe with Lamoureux & Dickinson, and Bart and Collin Frisbie appeared on behalf of the application.

Submittals:

- Cover letter prepared by Lamoureux & Dickinson, dated 9/26/17
- Property Owner Authorization Form, received 9/26/17

-
- General Application Form, received 9/26/17
 - Sketch Plan Review Application, received 9/26/17
 - Memorandum re: Sight Distance Measurements prepared by Roger Dickinson on 9/18/17 and received 9/26/17
 - Site Plan
 - Response to staff comments, dated and received 9/29/17
 - Staff Report for 10/18/17 DRB meeting
 - Staff Report for 11/1/17 DRB meeting
 - Cover letter prepared by Lamoureux & Dickinson, dated 2/28/18
 - Property Owner Authorization Letter, received 2/28/18
 - General Application Form, received 2/28/18
 - Site Plan Review Application, received 2/28/18
 - Town Department comments
 - Memo from David Wheeler, Assistant Stormwater Superintendent, City of South Burlington, to Chris Robinson, Waste Water Superintendent, Town of Shelburne, dated 2/7/18 and received 2/28/18
 - School Impact Questionnaire completed 1/27/18 and received 2/28/18
 - Project Review Sheet, received 2/28/18
 - Memo from Andrew Rowe, Lamoureux & Dickinson, re: February 14, 2018 meeting with SNRCC, dated 2/15/18 and received 2/28/18
 - Storm water narrative prepared by Lamoureux & Dickinson, received 2/28/18
 - Analysis of anticipated tax return prepared by Lamoureux & Dickinson, received 2/28/18
 - Correspondence between Andrew Rowe, Lamoureux & Dickinson, and Luis V. Rodriguez, Engineering and Modeling Division, Federal Insurance and Mitigation Administration, FEMA, re: Letter of Map Amendment Determination, dated 2/12/18 and received 2/28/18
 - Memo from Art Gilman, Gilman and Briggs Environmental, to Andrew Rowe, Lamoureux & Dickinson, re: natural resources, dated 12/21/17 and received 2/28/18
 - Landscaping Estimate of Probable Cost, received 2/28/18
 - Building descriptions, dated 2/26/18 and received 2/28/18
 - Residential Ownership and Operating Description, dated 2/19/18 and received 2/28/18
 - Declaration of Planned Community, received 2/28/18
 - Site Plans, received 2/28/18
 - Staff Report prepared for 3/21/18 DRB meeting
 - Cover letter prepared by Sterling Land Co., LLC, dated and received 10/12/18
 - General Application Form, received 10/12/18

- Site Plan Review Application, received 10/12/18
- Final Plan Review Application, received 10/12/18
- Letter from Lee Krohn, Interim Town Manager, to Andy Rowe, Lamoureux & Dickinson, re: waste water capacity to serve, dated 9/13/18 and received 10/12/18
- Letter from Rick Lewis, Water Superintendent, to Andrew Rowe, Lamoureux & Dickinson, re: water capacity to serve, dated 5/9/18 and received 10/12/18
- Project Review Sheet, received 10/12/18
- Legal documents, received 10/12/18
- Staff Report prepared for 11/7/18 DRB meeting

STAFF REPORT

The DRB received a written staff report on the application, dated 11/7/18.

APPLICANT COMMENTS

Andy Rowe reviewed the site plan noting lots 1, 2, and 3 located south of the street will be developed and Lot 4 will be open space (Lot 4 will be conveyed to the town). The proposed road name is “Mill River Lane”. There will be sidewalk along the frontage on Irish Hill Road and to the open space lot. Signs will be posted to alert drivers to the driveway into the development. A turnaround was created with widened road shoulders. The travel lanes are 10’ wide with 2’ wide shoulders for a total width of 24’. The distance to existing hydrants is 400’ (the standard is 600’). There will be no vegetation management along the river. The existing barn building will be removed. Comments from Chris Robinson regarding sewer service were addressed in the Preliminary and Final plans. Vermont Fish and Wildlife have confirmed there are no rare or endangered species on the parcel (a report has been submitted to the town).

There was discussion of the distance to the fire hydrant. Ravi Venkataraman said per the subdivision regulations, Section 940.3, fire hydrants should be installed per applicable codes, but the Shelburne Fire chief has not supplied applicable codes and standards. The memo from the Fire Chief, dated 1/23/18, has comments. Andy Rowe pointed out NFPA fire protection standards have been adopted by the state and these standards indicate a hydrant up to a maximum of 600’ away. David Hillman pointed out the Fire Chief can supersede the bylaw. John Day said the Fire chief is the expert on what is safe, but there is concern about safety in the context of the regulations. Andy Rowe said NFPA standards include some leeway to the authorizing jurisdiction. The applicant is trying to follow the standard.

Bart Frisbie noted the two conditions from Preliminary Plan have not yet been fulfilled and could be added to the Final Plan approval. Mr. Frisbie submitted suggested wording

for conditions relative to landscaping, clearing the existing shed, and conveyance of Lot 4 to the town. The DRB accepted the suggested wording into the record as Exhibit A.

There was discussion of the size of the turnaround (10'x 20' or 20'x 30'). Andy Rowe said the turnaround as shown (10'x 20') was discussed with the DRB at Preliminary Plan review. Bart Frisbie pointed out there are three 40' wide driveways that offer space for turning around. Ravi Venkataraman said per the minutes the roadway width discussed at Preliminary Plan review was agreed upon by the applicant and the DRB. The hydrant was discussed, but not conditioned. Staff does not have the applicable codes. Andy Rowe asked if a gravel turnaround area is acceptable. Mark Sammut said the area whether gravel or paved must be maintained and plowed.

Mark Sammut asked about cutting of vegetation. Andy Rowe said Article 3, Section C of the declarations and Sheet 1 address vegetative cutting.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Subdivision, Four Lots, 25 & 39 Irish Hill Road, Sterling Land Co., Inc. (SUB17-02)

MOTION by Jeff Pauza, SECOND by Mark Sammut, to finalize the record and close the hearing on SUB17-02, application by Sterling Land Co. for a four lot subdivision at 25 & 39 Irish Hill Road with the following conditions:

- 1. A Mylar shall be filed within 180 days of the signed approval of the decision.**
- 2. A zoning permit shall be required prior to commencement of any land development.**
- 3. Prior to issuance of a zoning permit the developer, engineer, contractor, and Shelburne Water Quality Superintendent or designee, and Planning and Zoning staff shall hold a pre-construction meeting to inform the developer and associated parties of the rules and modifications concerning inspections at all phases of construction.**
- 4. Town staff may inspect the development at all phases of construction for compliance to the Vermont Low Risk Erosion Prevention and Sediment Control Handbook.**
- 5. Prior to issuance of a zoning permit the developer shall be responsible for informing the Town Manager of the name of the contractor doing onsite installation, observation, and inspection of erosion prevention and sediment control work as specified in Section 1145 of the Shelburne Subdivision Regulations.**

6. All conditions put forth at Sketch and Preliminary Plan review still apply.
7. Shelburne Selectboard must approve town ownership of Lot 4, open space, and if ownership of Lot 4 is not approved by the Selectboard then the applicant shall return to the DRB to amend the approval.
8. The applicant shall provide a two year landscaping bond to the town prior to issuance of the first building permit.
9. The shed and any other machinery, garbage or equipment shall be removed from the property on Irish Hill Road prior to approval of a Certificate of Occupancy.

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

SUB18-03: Sketch Plan for a nine lot residential Planned Unit Development (PUD) at 1348 Irish Hill Road in the Rural District and Stormwater Overlay District by Elizabeth Whalley

John Day recused himself. Dave Marshall with Civil Engineering Associates appeared on behalf of the application.

Submittals:

- Site Plans
- Staff memorandum prepared for 5/4/16 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc., dated 9/28/18 and received 10/3/18
- Sketch Plan Review Application, received 10/3/18
- General Application Form, received 10/3/18
- Attachments, received 10/3/18
- May 4, 2016 DRB meeting minutes, received 10/3/18
- Site Plans
- Attachment maps from town comprehensive plan, received 10/3/18
- Staff Report prepared for 11/7/18 DRB meeting

STAFF REPORT

The DRB received a written staff report on the application, dated 11/7/18.

APPLICANT COMMENTS

Dave Marshall said a pre-application review was done a couple years ago. The 83 acre subject parcel is bordered by Irish Hill Road and a portion of Dorset Street and previously subdivided lots. A nine lot subdivision is proposed though the site will support 14 units and there is on-site waste water capacity for 11 units. The open agricultural area will be preserved as much as possible so buildings will be set within the forested area, and 37 acres of open space will be conserved by agreement with the town. There are

Class 2 wetlands and steep slopes on the land. The 75' wide perimeter area will not be disturbed except for driveways. There will be further discussion with Shelburne Natural Resources Committee on habitat areas.

PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, requested minimum intrusion on the forested area and that the houses be clustered. Dave Marshall pointed out the regulations say in a rural PUD the houses should be in the forested area.

Dave Parmelee, 39 Heather Lane, acknowledged the generosity of the landowner in allowing people to cross-country ski on the property. Mr. Parmelee read a list of concerns about the proposed subdivision including concern about the house sites on lots 2 and 8 and keeping the 75' buffers in place. Lot 2 includes a limestone ledge and any blasting will impact nearby houses. The vegetation on Lot 2 is very scrubby, but clearing the lot will eliminate the buffer to the neighbors. A green barrier should be in place on the western border of Lot 2. Consideration should be given to connecting the conserved open spaces along the southern border of Lot 9, and a possible connector to the ski trails. There is lots of wildlife in the woods (lynx, bobcat, bear, pileated woodpeckers). Mr. Parmelee's written comments were submitted into the record as Exhibit B.

Ed and Susan Kiniry, neighbor, urged when locating the driveway to the development to look closely at the intersection of Dorset and Irish Hill which is the site of many accidents. Dave Marshall said locations with adequate sight distance were investigated. Paul Goodrich, Shelburne Highway Superintendent, recommended the driveway location.

Jeff Baer, 139 Heather Lane, asked if the houses can be located closer to the open space rather than to the neighbors. Ravi Venkataraman said the periphery buffer requirement is 75' for a PUD in the Rural District. With a PUD the DRB can modify the setback. Dave Marshall said additional information will be provide on the topography and clearing limits. The applicant can be asked about separation distances from surrounding houses or perhaps having supplemental screening.

William Forsyth, 1547 Irish Hill Road, expressed concern about the unique wooded area with old growth and little undergrowth. There is a wet area on the northern side of the woods. Three of the proposed houses will be up on the ridgeline and in the wooded area so the number of trees will be reduced. The view from Irish Hill Road will be impacted. Consideration should be given to keeping the houses along the wood line, pushed farther to the south and away from the ridgeline. Decreasing the number of lots and increasing the lot size would be more reasonable for the area and will maintain the scenic setting. Also, the DRB is asked to put restrictions on exterior lighting.

David Diaz, 1741 Irish Hill Road, submitted a written statement that was accepted into the record as Exhibit C. Mr. Diaz stated the project is too large for the rural character of the area. There are too many houses proposed in a keystone space. Three houses on the ridgeline will be visible. The house sites should be moved to the south. Mr. Diaz quoted the town comprehensive plan relative to low density development in rural areas and conservation efforts.

Vance Schug, 1699 Irish Hill Road, asked how to prevent tree clearing by the new lot owners. Ravi Venkataraman said Section 1930.4.C of the regulations address building envelopes and no cut zones.

There was written testimony from Brian Flynn, 6773 Dorset Street, in support of the proposal and protecting natural resources and open space.

DELIBERATION/DECISION

Sketch Plan, Residential PUD, Nine Lots, 1348 Irish Hill Road, Whalley (SUB18-03)

MOTION by Mark Sammut, SECOND by David Hillman, to classify SUB18-03, application by Elizabeth Whalley for a nine lot residential PUD at 1348 Irish Hill Road, as a major subdivision. VOTING: unanimous (5-0); motion carried.

MOTION by Jeff Pauza, SECOND by Mark Sammut, to continue review of the application for 1348 Irish Hill Road (SUB18-03) to 12/5/18 with the recommendation the applicant work with the neighbors on finer modifications to the Sketch Plan. VOTING: unanimous (5-0); motion carried.

John Day returned to the DRB.

5. OTHER BUSINESS/CORRESPONDENCE

The DRB received a staff memo, dated 11/1/18, concerning the administrative approval of the Lake Champlain Yacht Club application for 2790 Harbor Road (SP18-07).

6. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 8:45 PM and the DRB entered deliberative session.