

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**

January 19, 2022

***Hybrid Meeting held in-person and by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); John Day, Mike Major, Allyson Myers, David Hillman, Anne Bentley, Bob Glover. (Zeke Plante was absent.)

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Abby Derry, Patrick Berkeley, Gail Albert, Samuel Bloomberg, Thomas Bolduc, Mary Kehoe, John Hammer, William (Terry) Kennaugh, Anne Marie Curley, Rebecca Solheim, Ian and Scott McIsaac, Toby Richmond, Mark DiParlo, Dave Marshall, Christine Patrin, Mary Holl, Steven Arms, Mary Hurley, Schuyler Blackman, Suzanne Durrell, Mary Chevalier, Donah Curley, Jenny Dalton, Geraldine Bloomberg, Joyce George, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (12/15/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Preliminary Plan, Subdivision, Two Lot PUD, 5935 Dorset Street, Berkeley (SUB21-02)
 - Conditional Use\Site Plan, Marina Access, Parking, Boat Storage, 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R2 / SP94-09R2)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the hybrid in-person and teleconference meeting to order at 7 PM.

2. MINUTES

December 15, 2021

MOTION by John Day, SECOND by Mike Major, to approve the 12/15/21 minutes as presented. VOTING: 6 ayes, 1 abstention (Bob Glover); motion carried.

3. PUBLIC COMMENTS

None.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

David Hillman said he will recuse himself from the DRB for the hearing of SUB21-02 and will comment as a neighboring property owner.

John Day, Allyson Myers, and Mark Sammut mentioned they store their boats at the shipyard and buy fuel there. John Day noted he lives nearby the shipyard.

Those participating in 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.

SUB21-02: Preliminary Plan for a two lot PUD subdivision with a third open space lot at 5935 Dorset Street in the Rural District by Patrick Berkeley

Abby Derry and Patrick Berkeley appeared on behalf of the application. David Hillman recused himself.

STAFF REPORT

The DRB received a written staff report on the application, dated 1/19/22. Ken Belliveau reported the Preliminary Plan is consistent with what was presented at Sketch Plan review. The requirements in the bylaws have been met.

APPLICANT COMMENTS

Abby Derry described the three lot PUD-R at 5935 Dorset Street, noting most of the Class II wetlands on the site are in the third lot (open space lot). The driveway on the north side of the property will be shared. The two residential lots will have on-site wastewater mound systems. The building envelopes are shown. The walking easement has been removed. Application for a wetlands permit from VT ANR will be submitted.

PUBLIC COMMENT

David Hillman, abutting property owner, spoke in support of the application.

Gail Albert, Shelburne Natural Resources Committee, requested the applicant be asked to submit an open space plan and that the Natural Resources Committee review the open space agreement. Mark Sammut noted the agreement is available for review and must be in compliance with the town regulations.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, Two Lot PUD, 5935 Dorset Street, Berkeley (SUB21-02)

MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision approve the Preliminary Plat for SUB21-02, a proposed two lot PUD-R subdivision in the Rural District, and to authorize the applicant to submit a Final Plat/Plan for SUB21-02 with the following conditions:

- 1. Final Plan/Plat application must meet the requirements of Section 610 of the Shelburne Subdivision Regulations and be approved by the DRB within one**

- year of the date of the Preliminary Plan approval or the approval becomes null and void.
2. Final Plat submittal shall include a wetlands delineation approved by VT DEC documenting the extent of the Class II wetlands on the subject property and all required wetland buffers as well as authorization to place the proposed driveway through the wetland along Dorset Street.
 3. Final Plat submittal shall include a Water and Wastewater Discharge Permit approved by VT DEC for the two proposed single family dwellings on Lots 1 and 2 on the subject property.
 4. Final Plat submittal shall include draft easement language ensuring protection of the required open space satisfying the town's requirements as provided in Section 1930.3(C)(d) of the Shelburne Zoning Bylaws.
 5. Approval is required by the town highway department for the construction of the proposed driveway access to Dorset Street including the size and location of any required culverts or drainage structures.

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

David Hillman returned to the DRB.

CU20-04R2\SP94-09R2: Conditional Use\Site Plan to relocate the main access drive, create a dedicated summer parking area, provide pedestrian pathways, redesign various boat access, storage and marina operations, and add new stormwater facilities including 30 s.f. of fill within mapped FEMA floodplain at 4584 Harbor Road in the Rural Zoning District and Lakeshore Conservation Overlay District by SHM Shelburne, LLC d/b/a Safe Harbor Shelburne Shipyard

Dave Marshall, Civil Engineering Associates, appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 1/19/22. Ken Belliveau explained the process with site plan and conditional use review.

APPLICANT COMMENTS

Dave Marshall gave an overview of the property (a state historic site) and the existing conditions, buildings, historic structures, wet and dry dock areas. The proposed improvements to the 15.4 acre property with lake frontage on two sides include relocation of the access driveway to the southerly edge of the property, placement of a culvert, stormwater facilities for water quality treatment, reconstruction and relocation of the clubhouse/administration building, and separation of the boat storage area and operations on the site.

There was discussion of:

- Phasing the construction - Dave Marshall said the relocation of the access road will be done first followed by the other improvements. The construction will be done in the off season and will take a couple of years to complete.
- Impact to three historic features on the site - Dave Marshall stated there are no physical changes proposed to the features.

- Water used to rinse off boats - Dave Marshall stated the water will be captured and hauled to the town's wastewater treatment plant.
- Increase in boats, docks – Dave Marshall said the goal is to increase capacity by 20%. There is enough parking, but the purpose of the parking area is mainly for boat storage off-season.
- Gate on the end of Harbor Road – Dave Marshall said a gate is to be determined. The town has been plowing and maintaining the end of Harbor Road though the road is private and owned by the marina.

PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, said the committee has questions on wetlands impact, the amount of impervious pavement, options to avoid the wetlands, the material composition of the new drive, and if the work already being done is permitted. Dave Marshall said the work being done was permitted in March 2021 and is to stabilize the shoreline. The Bruce Hill building was removed as well. The access road with the existing stone surface avoids impact to the boat storage area to the north and avoids the “ditch wetland”. The access road will be paved to reduce dust and silt. There will be stormwater management/treatment on the site. Dave Marshall said he can provide data on the amount of impervious surface on the site.

Tom Bolduc, Harbor Road, spoke on behalf of 32 property owners and families neighboring the shipyard to express concern about traffic, lighting, water outflow, beach impact. The homeowners own and manage shared property including the private beach and tennis courts which abut the shipyard and new proposed entrance. Mr. Bolduc requested the homeowners association be recognized as an “entity of interest” and the review by the DRB be continued to February to allow residents opportunity to review the plans, seek legal counsel if necessary, and ask questions on the project. Mark Sammut noted participation in the DRB meeting and abutting property owners provide party status with the application. Ken Belliveau added the DRB does not decide who has party status, the Environmental Court does in the event that an appeal is filed.

Mary Kehoe, General Greene Road, asked about the following:

- Number of parking spaces and if the lot will be paved - Dave Marshall said there will be close to 300 paved spaces.
- If the number of parking spaces could be decreased and the goals of the shipyard achieved of safe ingress/egress for patrons and boats - Dave Marshall confirmed this.
- Alternate means of ingress/egress less close to private property regularly used by residents including young children, the stop sign on Harbor Road, increased traffic being dangerous – Dave Marshall explained the stop sign will force people on Harbor Road to stop and not continue at speed past the beach. There will be an increase in traffic with additional clients going to their boats. The access has been tested with a tractor trailer through the intersection and it worked. A driveway farther to the north could be wider and not impact the special wetland south of the driveway.

- Clarify current volume of traffic in/out with boats, proposed volume, and lot coverage – Dave Marshall said the intent is to create a separation between operations and clientele as much as possible. A more detailed summary of existing conditions, proposed conditions, any changes in how operations occur other than just the building can be provided.

John Hammer, Lands End Lane, expressed concern about blocking Harbor Road and people coming to the area who are not residents.

William (Terry) Kennaugh, Chateaugay Road, asked where storm runoff will go now that the swale was removed behind the building that was demolished this summer and if the town needs an easement to take care of the culvert on Harbor Road. Also, the lights on the site are fully compliant, but need to be shielded from the north, west, and south to avoid glare on the beach.

Anne Marie Curley, Harbor Road, noted staff is researching whether Harbor Road is private. Increasing traffic on Harbor Road is a concern. A traffic study should be done during the summer months. Many people walk on the road to get to the beach. The existing driveway should remain where it is now. With the proposed access, car headlights will shine on the beach. Quality of life will be impacted. There is a massive amount of construction and pavement proposed on the site and the shipyard has not engaged with the residents at all about the project.

Rebecca Solheim, General Greene Road, shared the concerns about expansion of the shipyard, traffic, safety, and urged the shipyard to engage with the neighborhood.

Ian and Scott McIsaac, General Greene Road, asked for a description of stormwater drainage to confirm flooding will not increase on adjacent properties. Also, traffic to the shipyard could be passing over part of Harborwood Shores private property. The increase in parking appears to be greater than the need and creating an entrance on the north side of the parking lot by the Bruce Hill building would not impact the wetland and would pick up parking lost to the new access road. If a gate is installed on Harbor Road cars will turn around on the streets in the nearby residential neighborhood which is a concern.

Toby Richard, Harbor Road, spoke about the volume of traffic already in the area with people who are not living in the neighborhood coming to the beach to watch the sunset and driving through the neighborhood going too fast. The proposed bike path/walkway along the new access road will direct people to the beach which is a private beach. Regarding water quality, the existing outflow gets clogged now and this will get worse with the addition of more pavement. More people on the site using the bathrooms will mean more trucking from the site, more noise pollution, more headlights on the beach. The value of properties in the neighborhood will be impacted.

Samuel Bloomberg, General Greene Road, echoed the concerns about the scope of the project, the expansion, and traffic, noting Harbor Road is narrow and hilly with many

bicyclists and pedestrians. Harbor Road is a danger zone. Mr. Bloomberg asked if the marina is planning a restaurant or a retail center or more boat sales activity.

Mary Hurley, General Greene Road, stated it is offensive that the shipyard owners did not engage the neighbors about the proposed expansion. The beach is central to the neighborhood community. Additional traffic and increase in impervious surface are concerning. The proposed new intersection is dangerous.

Christine Patrin, Harbor Road, asked about the hours of operation of the security gate and for the picnic/BBQ area at the shipyard, expressing concern about noise pollution. Ms. Patrin also asked where overflow parking will go if capacity is reached on the site.

Mary Holl, General Greene Road, expressed concern about the wetlands, the new entrance, increase in traffic (traffic study is needed), and the other concerns raised by the neighbors.

Steve Arms, General Greene Road, spoke about protecting the lake and the erosion in the culvert from runoff which will increase with the added parking and access road. A new plan is needed. The shipyard should meet with the neighbors.

Schuyler Blackman, Harbor Road, echoed the concerns already expressed and support for a traffic study to get an accurate view of the impact of the project. A complete long term plan for the site is needed that shows the ultimate vision and a true accounting of environmental impacts with the project.

Joyce George, Circle Road, noted they have property in Colchester and recently found out the road is private, not town owned, so the property owners must hire someone to plow and clear out culverts.

Suzanne Durrell, General Greene Road, agreed with the concerns that have been expressed, noting Harbor Road is “an accident waiting to happen” and the increase in traffic needs to be taken into consideration. Ms. Durrell asked about boat storage and use, adding the lake is a tremendous resource and needs protection.

Mary Chavalier, Harbor Road, spoke about the heavy traffic traveling too fast on Harbor Road. The full scope of the project must be considered in a traffic study.

Donah Curly, Harbor Road, asked if the shipyard would consider an alternate driveway that would mitigate a majority of concerns expressed. A sketch plan should be done to show this.

Jenny Dalton, General Greene Road, stated safety is the #1 concern. Traffic is a big concern. There are no sidewalks on the road and many small children in the neighborhood.

Geraldine Bloomberg, General Greene Road, said Shelburne Road is a narrow peninsula. The scope of what is being proposed is beyond comprehension and will take away valuable wetlands and have an environmental impact on the lake. There are many children in the neighborhood. The DRB is asked to urge the shipyard to meet with the neighborhood to discuss the project.

DELIBERATION/DECISION

Conditional Use\Site Plan, Marina Access, Parking, Boat Storage, 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R2\SP94-09R2)

MOTION by Mark Sammut, SECOND by John Day, to continue the hearing on the shipyard at 4584 Harbor Road (CU20-04R2\SP94-09R2) to February 16, 2022.

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

6. OTHER BUSINESS/CORRESPONDENCE

Administrative Approval

The DRB received a copy of the administrative approval for a deck less than 500 s.f. on a veterinary practice.

Next Meetings

February 16, 2022

March 2, 2022

7. ADJOURNMENT

MOTION by John Day, SECOND by Mark Sammut, to adjourn the meeting.

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

The meeting was adjourned at 10:11 PM.

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