

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**

**April 6, 2022**

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

- MEMBERS PRESENT:** Mark Sammut (Chair); Anne Bentley, John Day, Mike Major, Allyson Myers, David Hillman, Bob Glover. (Zeke Plante was absent.)
- STAFF PRESENT:** Ken Belliveau, Interim DRB Coordinator; Adele Gravitz, Planning Director.
- OTHERS PRESENT:** Dave Marshall, Mary Kehoe, Gibson & Hurlie, Gail Albert, Stefano, Steve Baietti, Rowland Davis, Betsy & Don Dempsey, Mr. Manny, Susan Grasso, Brian Precourt, Steve Brandon, Media Factory.

**AGENDA:**

1. Call to Order and Agenda
2. Approval of Minutes (3/2/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Conditional Use\Site Plan, Marina Access, Parking, Boat Storage, 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R2\SP94-09R2)
  - Sketch Plan, 6-Unit Condominium Building, Edward Street/Bay Road, Precourt Investment Co., LLC (FBZ22-01)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair, Mark Sammut, called the hybrid in-person and teleconference meeting to order at 7 PM. There were no changes to the agenda.

**2. MINUTES**

*March 2, 2022*

**MOTION by John Day, SECOND by Allyson Myers, to approve the minutes of 3/2/22 as presented. VOTING: 5 ayes, one abstention (Bob Glover)[Mike Major not present for vote]; motion carried.**

**3. PUBLIC COMMENTS**

None.

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

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.

**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**

Mark Sammut reported the DRB held a deliberative session on the application. The DRB received a written staff report on the application, dated 4/6/22.

**MOTION by John Day, SECOND by Anne Bentley, to finalize the record and close the hearing with respect to CU20-04R2\SP94-09R2 pertaining to access, parking, boat storage at the marina at 4584 Harbor Road by SHM Shelburne, LLC.  
VOTING: 5 ayes, one abstention (Bob Glover)[Mike Major not present for vote]; motion carried.**

**MOTION by John Day, SECOND by Mike Major, to approve CU20-04R2\SP94-09R2 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 with the following conditions:**

- 1. The applicant shall provide documentation of any and all required permits and approvals from the State of Vermont and any applicable permitting agencies of the U.S. Federal Government prior to obtaining any zoning permits from the town for work or construction on the subject property. This shall include, but not be limited to, an Act 250 permit from the Vermont Natural Resources Board, documentation from the Vermont Department of Environmental Conservation (VT DEC) of any and all required state permits, approvals or exemptions regarding wastewater, stormwater, floodplain encroachment or displacement, historic preservation and archeological studies or preservation, fire safety, and any required approvals from the US Army Corps of Engineers.**
- 2. The applicant shall provide adequate fire and safety provisions on the property as required by the Shelburne Fire Department and the Vermont Division of Fire Safety.**
- 3. The proposed new consolidated operations and buildings shall be no greater than 35' in height and shall not be any closer to the northerly property line than the existing structure that is to be demolished.**
- 4. The gate controlling the access to the shipyard and marina on the proposed new access drive and the proposed lighting of the gate shall be located not less than 100' to the east of Harbor Drive.**

5. The new landscaping of the subject property will be a mix of trees and shrubs that include species found naturally on Shelburne Point.
6. Any construction activity on the subject property in connection with the application shall be limited to plans approved by the DRB in accordance with provisions of Articles III, XVII, XVIII, XIX, and XX of the Shelburne Zoning Bylaws and of all the conditions stated above.
7. No work on the subject property in connection with the approval may be commenced until a zoning permit has been approved and obtained from the Shelburne Planning & Zoning Office.
8. There shall be no importation of any fill or other material onto the subject property beyond what is necessary to complete the work authorized under the approval.
9. The hours of construction activity for all work authorized by the approval shall be limited to the hours between 7 AM and 7 PM, Monday through Saturday, holidays excluded.
10. All construction activity shall comply with the town's noise standards and sustained sound pressure not to exceed 70 dbA being measured at the property line during hours of construction or 65 dbA for impulsive or periodic noises as provided by Section 1950.2 of the Shelburne Zoning Bylaws.
11. The applicant shall work with the town to conduct a speed study for traffic along Harbor Road and to identify any potential traffic mitigation measures.
12. The applicant shall work cooperatively with the Harborwood Shores Homeowners Association and the Shelburne Highway Department to identify potential pedestrian improvements on Harbor Road.
13. The applicant shall work with the Town of Shelburne to have a speed study of traffic along Harbor Road to be conducted during the months of peak travel along the road.
14. The applicant shall make the following additional site improvements to address traffic flow and pedestrian safety:
  - a) provide additional wayfinding signs to direct people and boat trailer traffic to appropriate locations for destinations on the site
  - b) provide short term loading parking spaces for drop-offs, deliveries, etc.
  - c) provide bicycle racks in appropriate locations
  - d) provide a spur from the walkway along the main drive on the eastern and western ends of the parkway area
  - e) work with the Town of Shelburne to possibly move the existing historic marker along the northern section of Harbor Road to become a more prominent placemaking feature near the entrance to the site.

**VOTING: 6 ayes, one abstention (Bob Glover); motion carried.**

**FBZ22-01: Sketch Plan under Form Based Code for the addition of a 6-unit condominium building to an existing 12-unit condominium complex at Edward Drive/Bay Road in the Mixed Use District and Stormwater Overlay District by Precourt Investment Co., LLC**

Brian Precourt appeared on behalf of the application.

#### STAFF REPORT

The DRB received a written staff report on the application, dated 4/6/22. Ken Belliveau reviewed the existing conditions site plan and the site plan showing the proposed 6-unit residential building accessed from Edward Drive and fronting Bay Road being developed under Form Based Code rather than conventional zoning (Chapter 10 of the bylaw).

#### APPLICANT COMMENTS

Brian Precourt explained the original units on the parcel were built in 1983-84. The requirements under Form Based Code require the new building to be placed at the front of the property. With the six new 1500 s.f. two-bedroom dwelling units there will be a total of 18 units on the parcel. Density per Form Based Code would allow for 92 units. The garages will be behind the new building. Utilities are underground. Stormwater management facilities are at the end of Edward Drive. The engineers will confirm the proximity of the new building to the Lakeshore Overlay District. The building is well beyond the 102' contour. Form Based Code calls for a 5' wide sidewalk, but it is suggested an 8' wide multiuse path similar to the path on Webster Road would be more in line with what will be on Bay Road at some point in the future.

There was discussion of the building architecture (prescribed in Form Based Code) and the nearness of the building to the road (due to the "build-to" zone of Form Based Code).

#### PUBLIC COMMENT

Mr. Manny, neighbor, expressed concern about having a sidewalk that does not connect to anywhere (the railroad underpass and path on Bay Road need to be addressed first) and only 10' of green space between the project and the neighboring property.

Betsy and Don Dempsey, neighbors, expressed concern about the proposal being only 10' from their property line (at least a 15' setback as required by conventional zoning is preferred) and that a large development is being crammed into a small space (too many units on a half-acre of land).

Rowland Davis, resident, asked if the number of units in the development proposal would be allowed under conventional zoning. Brian Precourt stated that conventional zoning is based on 10,000 s.f. of land per unit. Form Based Code provides a density bonus and is very prescriptive on what must be built, and that is why doing the development under Form Based Code was chosen.

Susan Grasso, resident, spoke in support of having a bike/pedestrian connection on Bay Road, noting the popularity of the Webster Road path which was resisted by residents on the street initially.

There was discussion of the sidewalk proposed for the development. Staff will further research the requirement under Form Based Code to clarify if the sidewalk is required when the road on the parcel is existing and not new. John Day mentioned the option of

contributing to a fund for sidewalks in lieu of building the sidewalk. There was discussion of the location of the proposed sidewalk and a possible future path on Bay Road. Adele Gravitz noted the Bike/Ped Study is looking at linkages which could be useful to the conversation. Brian Precourt said he is willing to build a sidewalk in front of the building and provide a right-of-way to the other side of Edward Drive. Residents in the area stressed the issues of the railroad bridge and the bridge over the LaPlatte River need to be resolved before building a bike path. Also, a path on Bay Road would be very close to the front door of many houses and the trees planted along the road would have to be removed. Mark Sammut urged residents to advocate for their concerns about a bike path on Bay Road to the Planning Commission and Bike/Ped Committee.

#### DELIBERATION/DECISION

Sketch Plan under Form Based Code, 6-Unit Condominium Building, Edward Street/Bay Road, Precourt Investment Co., LLC (FBZ22-01)

**MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing and request staff to prepare a decision approving the Sketch Plan for a 6-unit condominium building at Edward Drive/Bay Road under Form Based Code by Precourt Investment Co. LLC with the following conditions:**

1. **The applicant must obtain comments from various town departments on the proposed development as stipulated in the town regulations, Section 610(13).**
2. **The applicant must include a Project Review Sheet from VT DEC in the Preliminary Plan application pursuant to Shelburne Zoning Bylaws, Section 530.**
3. **The applicant shall demonstrate compliance with all applicable provisions of the Shelburne Zoning Bylaws, Subdivision Regulations, and SR-FBOD including standards for streets and other public utilities.**

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

#### 6. OTHER BUSINESS

*FBZ21-02: Brandon/Crombach Final Plan Extension Request*

**MOTION by Mark Sammut, SECOND by John Day, to grant a 6-month extension of the Brandon/Crombach Final Plan review as requested by the applicant to allow more time to do feasibility studies and try to come together with the neighbors.**

**VOTING: 6 ayes, one nay (Anne Bentley); motion carried.**

#### *DRB Coordinator*

The new DRB Coordinator will start at the beginning of May. Ken Belliveau will assist through the end of May.

#### *Annual Organizational Meeting*

The election of officers will be included on the next meeting agenda.

#### *Planning Commission Meeting April 28, 2022*

The DRB was urged to attend the 4/28/22 Planning Commission meeting.

#### 7. ADJOURNMENT

**MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting.  
VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 8:16 PM.

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