

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**

June 1, 2022

***Hybrid Meeting**

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

STAFF PRESENT: Aaron DeNamur, DRB Coordinator & Assistant Zoning Administrator; Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Gail Albert, Tracey Beaudin, Joyce George, Patrick Berkeley, Abby Derry, Bryan Currier, Chas & Corrine Bissonette, Chris Bissonette, David Shenk, Michael Bissonette, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (5/18/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Final Plan, PUD, Two Lots & Open Space Lot, 5935 Dorset Street, Berkeley/LaRosa (SUB21-02)
 - Final Plan\Boundary Line Adjustment\FBZ Application, Subdivision & Multi-Family Facility, 16 Units, 4309 & 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01\BLA21-03\FBZ21-01)
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

May 18, 2022

MOTION by John Day, SECOND by Bob Glover, to approve the 5/18/22 minutes as presented. VOTING: 5 ayes, 3 abstentions (Anne Bentley, Allyson Myers, Zeke Plante); motion carried.

3. PUBLIC COMMENTS

None.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

David Hillman said he will recuse himself from the application for 5935 Dorset Street because he is an abutting landowner.

Ken Belliveau disclosed his contact with Bryan Currier (Shenk engineer) through prior clients. Aaron DeNamur will do the staff report for the Shenk application.

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: Final Plan for a two lot PUD subdivision with a third open space lot at 5935 Dorset Street in the Rural District by Patrick Berkeley and Nina LaRosa

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

STAFF REPORT

The DRB received a written staff report on the application, dated 6/1/22. Ken Belliveau noted 60% open space is required for the PUD application with the Class 2 wetlands included in the open space as much as possible. Legal documents, wetlands permit, and septic system design permit have been received. The driveway has been shifted. Shelburne Water Quality Superintendent mentioned the need for a disconnect between the storm water dispersal and the building site. The developer has ensured this has been addressed, but a condition may be needed to say there must be a satisfactory method of dispersing stormwater prior to the issuance of a zoning permit.

APPLICANT COMMENTS

Abby Derry explained the stormwater flow from the building site and confirmed no changes have been made to the plan since the last review and permits have been received.

PUBLIC COMMENT

Gail Albert asked if the open space agreement with the applicant has been signed and how the agreement will be ensured in perpetuity. Ken Belliveau said all documents must be signed and recorded in the land records prior to recording of the subdivision plat within 180 days of the DRB decision. There will be a homeowners association for the subdivision and if any conditions of approval are not followed then that is a zoning violation enforced by the town's zoning administrator.

David Hillman asked who owns and maintains the open space. The applicant said the open space will be equally owned by the lot owners. There will be a homeowners association.

Bob Glover asked if there is a timeline to sell the first lot. Patrick Berkeley said there is no timeline, but the hope is to sell the lots sooner than later.

DELIBERATION/DECISION

Final Plan, PUD, Two Lots and Open Space Lot, 5935 Dorset Street, Berkeley/LaRosa (SUB21-02)

MOTION by Mark Sammut, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision approving the Final Plan (Plat) application, SUB21-02, by Patrick Berkeley and Nina LaRosa for a three lot PUD subdivision at 5935 Dorset Street in the Rural District with the following conditions:

- 1. The applicant must provide documentation of any and all required permits and approval from the State of Vermont and any zoning permits from the town for work or construction on the subject property.**
- 2. The applicant shall record a mylar copy of the approved subdivision plat in the town's land records within 180 days from the date of the DRB Notice of Decision as prescribed by the Shelburne Subdivision Regulations and 24VSA4463(b).**
- 3. All documents pertaining to the deeds, covenants, restrictions, and easements for the open space lot, shared driveway shall be recorded in the town's land records prior to obtaining any permits for development of the subject property.**
- 4. Any construction activity on the subject property in conjunction with the application shall be limited to plans approved by the DRB in accordance with the provisions of Articles III, XIX, and XX of the Shelburne Zoning Bylaws and the Shelburne Subdivision Regulations and all of the conditions stated here.**
- 5. No work on the subject property in connection with the approval may be commenced until the necessary zoning permits have been approved and obtained from the Shelburne Planning & Zoning Office and all applicable conditions of approval have been satisfied.**
- 6. There shall be no importation of any fill or other materials onto the subject property beyond what is necessary to complete the work authorized under the approval.**
- 7. The applicant must provide a grading plan that demonstrates compliance with Shelburne's stormwater regulations which contain a requirement for a runoff disconnect mechanism.**

VOTING: unanimous (8-0); motion carried.

David Hillman returned to the DRB.

SUB21-01\BLA21-03\FBZ21-01: Final Plan\Boundary Line Adjustment\Site Plan for a two lot subdivision including a.23 acre boundary line adjustment and a 16-unit multi-family community care facility reviewed under Form Based Zoning at 4309 & 4385 Shelburne Road in the Mixed Use District, Residential District, Stormwater Overlay District, and Shelburne Road Form Based Overlay District by Shenk Enterprises, LLC

David Shenk, Bryan Carrier, and the Bissonettes appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 6/1/22. Aaron DeNamur stated Sketch Plan and Preliminary Plan approval have been granted. Staff concerns with the proposal include the stormwater runoff plan, perimeter landscaping between the boundary line and the parking lot, the lack of landscaping between the hockey academy and Lot 2 (residential), and not all conditions of approval being satisfied.

APPLICANT COMMENTS

Bryan Currier reviewed the staff comments/recommendations in the staff report, noting the swale on the property terminates at the stormwater system, adding trees by the parking lot will not be a problem, there is a grade difference between the sidewalk on Route 7 and the residential structure which must be accessible. The approval before the DRB is for the stormwater feature on Lot 1, the 16 unit building on Lot 2 under form based zoning, and the boundary line adjustment.

It was noted the hockey rink that was part of the previous reviews is no longer included in the project. Ken Belliveau clarified the application is for Final Plan approval of the subdivision of land and approval of the site plan for the 16-unit congregate housing facility under form based zoning. David Shenk stated the change to eliminate the hockey rink was not anticipated. The intention was always to build the housing. A proposal will be submitted for Lot 1 once a project is identified. Approval of the subdivision and for the form based zoning application (16-unit building) is what is being sought with the application before the DRB.

Bob Glover asked about the number of parking spaces on Lot 2 being provided per form based code. The applicant said the code allows the developer to demonstrate the parking need for the facility. No residents will be driving a car. There is parking for staff and guests. The DRB can look at parking on a case-by-case basis.

Anne Bentley questioned the application moving forward if conditions of approval from the previous reviews have not been met.

DELIBERATION/DECISION

Final Plan\Boundary Line Adjustment\FBZ Application, Subdivision & Multi-Family Facility under FBZ, 16 units, 4309 & 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01\BLA21-03\FBZ21-01)

MOTION by Mark Sammut, SECOND by John Day, to continue the hearing for the Shenk Enterprises, LLC application for 4309 & 4385 Shelburne Road until 6/15/22.

VOTING: unanimous (8-0); motion carried.

The DRB will meet in deliberative session prior to the next meeting to discuss the application.

6. OTHER BUSINESS/CORRESPONDENCE

Thanks to Ken Belliveau

Thanks and appreciation were extended to Ken Belliveau for assisting the town and training the new DRB Coordinator, Aaron DeNamur.

Deliberative Session: Shenk Application

The DRB will meet remotely in deliberative session on 6/8/22 at 7 PM. Staff will forward the approvals in place for the Shenk proposal to the DRB.

7. ADJOURNMENT

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

VOTING: unanimous (8-0); motion carried.

The meeting was adjourned at 8:40 PM.

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