

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 2, 2021**

**\*Meeting held by teleconference.**

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

**STAFF PRESENT:** Ken Belliveau, Interim DRB Coordinator; Lee Krohn, Zoning Enforcement Officer.

**OTHERS PRESENT:** Robert Hallisey and Suzanne LaRonde.

**AGENDA:**

1. Call to Order and Agenda
2. Approval of Minutes (5/19/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Final Plan Amendment, Reduce Setbacks, Inground Pool & Patio, 54 Farmstead Drive, Hallisey/LaRonde (SUB11-05R1)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair, Mark Sammut, called the teleconference meeting to order at 7 PM.

**2. MINUTES**

*May 19, 2021*

**MOTION by John Day, SECOND by Mike Major, to approve the 5/19/21 minutes with correction of the spelling of Ken Belliveau and to add Ken Belliveau to the list of attendees. VOTING by rollcall: 4 ayes, 2 abstentions (Mark Sammut, Bob Glover); 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.

**SUB11-05R1: Amendment to Final Plan to reduce the side and rear setbacks to 15' to accommodate an inground pool and patio at 54 Farmstead Drive (Lot 2) in the**

**Residential District and Stormwater Overlay District by Robert Hallisey and Suzanne LaRonde**

Robert Hallisey and Suzanne LaRonde appeared on behalf of the application.

STAFF REPORTS

The DRB received a staff memo on the application, dated 5/26/21. Lee Krohn explained the applicant is requesting an amendment to an approved subdivision to allow 15' setbacks rather than 35' setbacks. A number of identical amendments have been sought and approved previously in the Farmstead and Deer Run neighborhoods.

APPLICANT COMMENTS

The applicant gave background information on the plan to install an inground pool and patio under the assumption the setbacks were 15' per the bylaws and then discovering the setbacks are actually 35' in the development, but there are houses in the development with structures in the setback.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Amendment, Final Plan, Inground Pool & Patio, 54 Farmstead Drive (Lot 2), Hallisey/LaRonde (SUB11-05R1)

**MOTION by Mike Major, SECOND by John Day, to close the hearing and allow the applicant to change the setback from 35' to 15' for the purpose of installing a pool & patio with the condition all prior conditions of approval related to the property remain in full force and effect. VOTING by rollcall: unanimous (6-0); motion carried.**

**6. OTHER BUSINESS/CORRESPONDENCE**

*Administrative Site Plan Approval*

The DRB received a copy of the administrative site plan approval for an ADA boardwalk and viewing deck by Wake Robin (SP20-06R1).

*Thanks*

Ken Belliveau was thanked for assisting the Planning & Zoning Department at this time.

*Use of Legal Counsel*

There was discussion of the use of legal counsel by the DRB and staff and agreement simplifying the regulations would help reduce the need for legal counsel's assistance with interpretation of the bylaws. Also, the DRB needs to be aware of any changes legal counsel has made to documents or decisions prior to the application hearing. Lee Krohn stated staff should be knowledgeable and can guide and advise the board; the Town Attorney should not be making decisions for the DRB. When a bylaw is not clear or does not make sense then this should be flagged for review and clarification by the Planning Commission. The Planning Commission is open to listening to the DRB and making

changes to simplify the regulations. Ken Belliveau added making it easy for the applicant to follow the rules will lead to the outcome wanted by the town.

Following further discussion, the DRB agreed that clear, concise staff reports, offering analytical guidance on relevant issues, are more desirable and helpful than lengthy treatises and recitations of bylaws. In addition, it was noted that:

- Applications do not need to be included in the staff report.
- Notification should be sent to board members to opt in/out of paper copies. Documents in the meeting packets should be provided digitally unless a paper copy is requested by the board member.
- Meeting packets will be posted on the town website.

A list needs to be compiled and maintained in a central location for items noted by the DRB for Planning Commission consideration of change or clarification.

#### *Sledrunner Fence*

Staff reported two appeals have been filed by the neighbors regarding the fence. The Town joined in the Motion to Dismiss. While ordinarily, appeals like this might be left to the neighbors to argue in court, more active Town participation here may be needed to protect the Town's legal position of lack of jurisdiction over private property rights.

## **7. ADJOURNMENT**

**MOTION by John Day, SECOND by Anne Bentley, to adjourn the meeting.**

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

The meeting was adjourned at 8:20 PM.

*RScty by tape: MERiordan*