

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
August 17, 2022**

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

STAFF PRESENT: Aaron DeNamur, DRB Coordinator & Assistant Zoning Administrator.

OTHERS PRESENT: Tracey Beaudin, Bryan Currier, Tim Gravelin, iPhone, Joyce George, Gail Albert, Chris Galipeau, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (7/20/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Subdivision, Two Lots, 393 & 395 Bostwick Road, Blair/Brooker (SUB22-03)
 - Sketch Plan, Subdivision, Two Lots, 913 Falls Road, A&M Construction (SUB22-01R1)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

2. MINUTES

July 20, 2022

MOTION by John Day, **SECOND** by Mike Major, to approve the 7/20/22 minutes.

DISCUSSION:

- There was discussion of the wording in condition of approval #13 for the Shenk Enterprises application relative to reserving space for three additional parking spaces, and clarification that any change of use on the property would have to come before the DRB for review/approval.

VOTING: 4 ayes, 2 abstentions (Zeke Plante, Anne Bentley); motion carried.

3. PUBLIC COMMENTS

There was mention of staff reports being shared at the DRB meeting. It was clarified typically site plans are shown at the meeting. Staff reports are posted on the website.

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.

SUB22-03: Sketch Plan for a two lot subdivision at 393 & 395 Bostwick Road in the Residential District and Stormwater Overlay District by Robert Blair/Ross Brooker

Chris Galipeau with Civil Engineering Associates appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 8/17/22. Aaron DeNamur stated the application is for a two lot subdivision of 3.5 acres with access from Bostwick Road. The lots are served by municipal water and sewer. There is a mobile home on Lot 1 and a single family house and accessory structure on Lot 2. No further development is proposed.

APPLICANT COMMENTS

Chris Galipeau explained the purpose of the subdivision is to officially separate Lot 1 with the mobile home from Lot 2 with the single family house. Lot 1 is owned by Ross Brooker and Lot 2 is owned by Robert Blair. No further development is proposed at this time. Any future development plans will come before the DRB.

Mike Major asked about the right-of-way to Bostwick Road. Chris Galipeau said the access and utility easements will be depicted on the plans once the land survey is done.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 393 & 395 Bostwick Road, Robert Blair/Ross Brooker (SUB22-03)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision to approve the Sketch Plan for a two lot subdivision at 393 & 395 Bostwick Road in the Residential District and Stormwater Overlay District by Robert Blair/Ross Brooker with the following conditions:

- 1. The applicant shall provide documentation of compliance with Section 520; projects in this overlay district that result in a change in impervious surface area that triggers a new or renewed individual state permit shall provide documentation that the project is either exempt or in compliance with EPR Chapter 22.**
- 2. The applicant shall provide documentation of compliance with Section 530; projects in this overlay district that result in a change in impervious surface area shall either submit documentation that they are exempt from the requirements of EPR Chapter 22 or submit a copy of the Individual Stormwater Permit Application and attachments to the Town of Shelburne.**

3. **The applicant shall meet with the town’s Public Works Department or advising committees to adequately address any requests and concerns raised by such; Final Plat application must demonstrate that the applicant has satisfied these requests.**

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

SUB22-01R1; Sketch Plan for a two lot subdivision at 913 Falls Road in the Shelburne Falls Mixed Use District and Village Design Review Overlay District by A&M Construction

Bryan Currier with O’Leary Burke Civil Associates appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 8/17/22. Aaron DeNamur stated the application is for a two lot subdivision of 2.5 acres with access from Falls Road. There is an existing single family house on Lot 1 and six units are proposed to be built on Lot 2. Per staff’s reading of the bylaw only five units are allowed. Both lots will share a 20’ wide private drive. Any wetlands on the property will reduce the amount of developable land. Per a condition of approval for a prior application, the applicant was to provide information on how much land is slope and wetlands. The site plan shows the slope, but not wetlands.

APPLICANT COMMENTS

Bryan Currier explained the prior application was a PUD, but the required 50’ buffer was not workable with the development that was proposed. The current application is for a traditional subdivision. The existing single family house is on Lot 1 which fronts Falls Road and the six units will be on the back of the parcel (Lot 2). The curb cut will be moved farther to the east. With regard to density and per the requirements for a traditional subdivision, 10,000 s.f. is needed for multi-family housing. Multi-family housing is a conditional use. In the Rural District section of the bylaws developable land is mentioned, but this is not mentioned in the Shelburne Falls District. Slope and developable land are shown on the site plan. Only wetlands on the ANR Advisory Map are required to be shown. The wetlands on the parcel, if any, are not on the ANR Advisory Map. A wetlands delineation will be done as the application proceeds through the review process, and any impacts to Class 2 wetlands will have to be addressed. The applicant feels the density of the development on Lot 2 should not be calculated based on the definition of developable land in the Definition section, but rather should be based on the zoning bylaws. With Lot 2 being 90,000 s.f up to nine units could be built, but this is not possible due to slope so six units are proposed. The previously approved application was for six units and there are other six-plex buildings in the area. (Staff noted Article XXI is part of the bylaw and says undeveloped land is not considered when computing allowable dwelling units.)

There was discussion of the bylaws, definition of developable land, calculating density on the applicant’s lot, and location of the multi-family units on the parcel relative to slopes

and wetlands. The DRB agreed more documentation of the wetlands on the parcel is needed.

PUBLIC COMMENT

Gail Albert noted Shelburne Natural Resources Committee had comments on the project and asked that permanent conservation options be discussed for open space land behind the six units which abut the LaPlatte River Reserve. Also, that pedestrian public access to the undeveloped portion of the property that abuts the nature reserve be allowed and there be minimal disturbance of trees. The committee recommends the development be clustered more or the number of units reduced due to the steep slope on the site. Bryan Currier stated the open space request can be discussed with the applicant, but public access through a private driveway is unlikely. There are better places for access on Falls Road.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 913 Falls Road, A&M Construction (SUB22-01R1)

The DRB discussed the need for clarification on how the density is calculated for a traditional subdivision in the Shelburne Falls District (per the bylaw or developable land definition). Staff will get a legal opinion from the Town Attorney.

MOTION by Mark Sammut, SECOND by John Day, to continue the sketch plan application by A&M Construction for a two lot subdivision at 913 Falls Road until 9/7/22. VOTING by rollcall: unanimous (6-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Administrative Approvals

Staff reviewed the administrative approvals for the following:

- Le Marche Café - outdoor patio (SP05-01R2)
- Atlas Gunworks - sidewalk, door (SP95-02R4)
- Rte. 7 Climate Storage – fencing (SP19-05R3)

7. ADJOURNMENT

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

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

The meeting was adjourned at 8:30 PM.