

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 18, 2021

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

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

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Patrick Berkeley, Abby Derry, Gail Albert, Don Rendall, Judy Zullo, Media Factory (Wendy).

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (7/21/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Two Lot PUD Subdivision with Open Space Lot, 0 Dorset Street, Berkeley/LaRosa (SUB21-02)
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

July 21, 2021

MOTION by John Day, SECOND by David Hillman, to approve the 7/21/21 minutes as presented. VOTING: 4 ayes, one abstention (Robert Glover); motion carried.

3. PUBLIC COMMENTS

None.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

David Hillman announced he will recuse himself from the application for 0 Dorset Street.

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: Sketch Plan for a two lot PUD-R subdivision with a third open space lot at 0 Dorset Street (adjacent to 5935 Dorset Street under common ownership) in the Rural District by Patrick Berkeley and Nina LaRosa

Abby Derry, Trudell Consulting Engineers (TCE), Patrick Berkeley, and the attorney for the applicant appeared on behalf of the application. David Hillman recused himself.

STAFF REPORT

The DRB received a written staff report on the application, dated 8/18/21. Ken Belliveau reported the application is a Sketch Plan for subdivision of a 10.6 acre lot into two buildable lots and one open space lot. There were two prior applications for the parcel that were not fully pursued. The subdivision is a PUD-Residential and requires one dwelling unit per five acres. There are wetlands on the site. The proposed driveway to the lots will cross the wetlands. Staff is recommending the wetlands be part of the open space lot and a boundary line adjustment be done on the neighboring property also owned by the applicant for the driveway to avoid encroachment on the Class 2 wetlands.

APPLICANT COMMENTS

Abby Derry, TCE, explained two single-family homes will be built on the two buildable lots. There is capacity for two on-site septic systems (mound systems). There will be a 50' buffer to the wetlands per the regulations. The applicant wants to avoid impacting the wetlands as much as possible. The impact of the driveway is 1300 s.f. The applicant would like to keep the access point on the subject parcel and will work with ANR on this.

John Day asked about doing a boundary line adjustment. Abby Derry said the applicant is willing to shift the driveway to the north on the same parcel, but does not want to impact the adjacent parcel. Judy Zullo, the attorney for the applicant, said a boundary line adjustment could impede what the next owner of the adjacent parcel may want to do on the land in the future. There was continued discussion of the driveway access and assurance from the applicant that moving the driveway to the north on the subject parcel is acceptable. Patrick Berkeley said the goal is to align with the driveway across the street.

Mike Major asked about the proximity of the houses on the lots. Abby Derry said the houses are clustered to create nice yards to the east.

PUBLIC COMMENT

Gail Albert, SNRCC, urged avoiding the wetlands completely if possible and suggested an open space agreement be completed by the applicant as part of the application.

Don Rendall, SNRCC, said BioFinders identified rare and endangered species on the site. Abby Derry said this will be covered at Preliminary Plan review.

David Hillman, neighbor, said he has no issues with the application.

DELIBERATION/DECISION

Sketch Plan, Two Lot PUD-R Subdivision, 0 Dorset Street, BerkeleyLaRosa (SUB21-02)

MOTION by John Day, SECOND by Mike Major, to classify SUB21-02 as a Major Subdivision for a PUD-Residential subdivision, and to finalize the record, close the hearing for SUB21-02 for a two lot PUD subdivision at 0 Dorset Street by Patrick Berkeley and Nina LaRosa, and direct staff to prepare a decision authorizing the applicant to prepare a Preliminary Plat application with the following recommendations:

- 1. The applicant must demonstrate compliance with all provisions of the Shelburne Zoning Bylaws and the Shelburne Subdivision Standards and Regulations for a PUD-R in the Rural District.**
- 2. The applicant must obtain comments from various town departments regarding their subdivision proposal as stipulated in the Shelburne Subdivision Regulations, Section 610(13).**
- 3. The applicant must include a Project Review Sheet from the Vermont Department of Environmental Conservation & Natural Resources Board in their Preliminary Plan application pursuant to Shelburne Zoning Bylaws, Section 530.**
- 4. The applicant shall provide alteration to the original proposal to reduce or eliminate to the extent possible any encroachment of the proposed driveway on the identified Class 2 wetlands.**

VOTING: unanimous (4-0); motion carried.

David Hillman returned to the DRB.

6. OTHER BUSINESS/CORRESPONDENCE

Signing Decisions

The process for signing decisions to streamline and provide more timely turnaround was discussed and the DRB agreed the DRB Chair will sign the decisions and how each member voted will be noted.

Kotoman Application

A deliberative session will be scheduled for the Kotoman application. Staff will forward materials to the DRB

New Grandson

Congratulations were extended to Mike Major on his new grandson.

7. ADJOURNMENT

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

VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 7:58 PM.