

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**

Sept. 1, 2021

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

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

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Robilee Smith, Kevin O'Brien, Rachel Smith, Mary Bauman, Alan Bauman, Edwin Bowill, Barbara Grant, Julie Parsons, Paul & Betty Emajes, Ron and Susan Bouchard, Clint West, Jerry Guyette, Gail Albert, Susan McLellan, Rick Poirier, Dawn Schmidt, Claire Prosowski, Steve Brendon, Shelley Crombach, David Roy, Andy Simmons, Chris Latta, Kelly DeRoches, Ron and Toni Bouchard, Chris Badami, Nancy Badami, Bret Gardner, Abby Hill, Tim Bergeron, Donna Millay, Robert Millay, Any Hogan, Gary Allen, Erin Awer, Andrea Crook, Jim Crook, Jessica Trautwine, Robert & Becky Bouchard, Media Factory (Wendy).

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (8/18/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Form Based Code Mixed Use Development in Three Phases, 107 Housing Units & Mixed-Use Commercial Office Space, 2870 & 2882 Shelburne Road, Stephen Brandon\Shelley Crombach (FBZ21-02)
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

August 18, 2021

MOTION by John Day, SECOND by Mike Major, to approve the 8/18/21 minutes as presented. VOTING: 5 ayes, two abstentions (Anne Bentley, Allyson Myers); motion carried.

3. PUBLIC COMMENTS

Complaint was made about the malfunctioning audio on the Zoom meeting which is adversely impacting the ability of the public to participate in the meeting. Suggestion was made to postpone the meeting to allow the technical issues to be resolved. [Note: The audio issue was subsequently resolved and the meeting proceeded.]

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.

FBZ21-02: Sketch Plan for consolidation of two parcels with 107 housing units and mixed use commercial office space to be developed in three phases at 2870 & 2882 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Shelburne Road Form Based Code Overlay District by Stephen Brandon and Shelley Crombach

David Roy, Stephen Brandon, and Shelley Crombach appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/1/21. Ken Belliveau reported the application is a Sketch Plan under Form Based Code for a mixed use development on 6.67 acres to be done in three phases. The first phase will be five townhouses, a 24-unit apartment building, and the access road. The second phase will be a loop road, six townhouses, and a 24-unit apartment building. The third phase is two 24-unit apartment buildings and a three-story mixed use office/residential building. The site is in Growth Area 2. Communications have been received from the Clearwater Homeowners Association regarding access from Clearwater Road and the proposal itself. The DRB should discuss the second point of access to the proposed development and access onto Shelburne Road which needs approval by VTrans.

Mark Sammut stated a traffic study will be an important component along with the 1111 Permit from VTrans.

APPLICANT COMMENTS

Stephen Brandon mentioned the research that was done before drafting the proposal that reflects what form-based zoning allows and the type of development the town is seeking for the Growth Area 2 zone. Input from the public is welcomed. Changes have been made to the plan based on some of the comments received to date.

David Roy stated the proposal is inline with the Growth Area intent and form-based code overlay. The full buildout of the townhouses, apartments, and office space will take several years. There will be open space and screening/landscaping on the site.

Mark Sammut asked about secondary means of access. John Day added the DRB needs a response to the legal assertions relative to the secondary access. David Roy said their traffic engineer has been in contact with VTrans. More information will be available as the project progresses. Meetings have been held with the Clearwater Association and changes have been made reflecting the concerns heard.

David Hillman asked about having adequate parking. David Roy said there will be shared parking for shared uses on the site.

Allyson Myers urged getting comments relative to natural resources on the site. David Roy said the project will be subject to Act 250 purview that will cover impact on wildlife.

Bob Glover said information is needed on how the application complies with the form-based code overlay and the goals of form-based code. David Roy pointed out form-based code allows for five and a half 24-unit buildings, but the proposal is for four buildings. The townhouses are under the allowed density. The proposal is under the lot coverage allowance. The topography drove the spacing of the buildings. There will be streetscape and green space, and a loop road for emergency access and circulation. The proposal is a smart growth approach.

PUBLIC COMMENT

Ann Hogan, 107 Wild Rose Circle, spoke about the vision and intent of the form-based code overlay district to include human scale, context based, connectivity, low impact on stormwater, low impact on traffic on Shelburne Road.

Robilee Smith, 169 Wild Road Circle, spoke of the traffic impact by the proposal, noting the town's comprehensive plan from 2016 shows the pinch point for traffic on Shelburne Road is the applicant's parcel and that the town wants to move traffic off Shelburne Road not put more on it. Ms. Smith read the introduction to the comprehensive plan.

Ron Bouchard, 208 Clearwater Road, expressed concern about the number of added housing units to the neighborhood (110 units) and asked about screening/buffering and stormwater runoff. David Roy said 50' of brush and supplemental landscaping will be maintained. There will be stormwater runoff management through the three phases. Stephen Brandon said they will comply with the highest and best use to get a stormwater permit. Ron Bouchard asked if an alternate plan such as adding single family homes was considered. David Roy reiterated the highest and best use was the approach taken.

Bob Bouchard, 238 Clearwater Road, said in addition to issues of scale, stormwater, natural resources, aesthetics, the legal rights (i.e., deed) need to be shown on the use of Clearwater Road for access. The DRB needs to request this information. Mr. Bouchard expressed concern for the traffic and over-burdening the intersection.

Karen McAndrew Allen shared the concerns already expressed about traffic and legal access as well as noise from the development adding to the noise from the trains and the loss of privacy with people in the new buildings overlooking the houses in front.

Nancy Badami, 161 Palmer Court, urged requiring a traffic study. There are traffic concerns for safety and accessibility. Data on the number of accidents at the intersection and the number of pedestrians involved are needed.

Erin Awer, 87 Wild Road Circle, expressed concern about the height of the buildings for the area and asked if the height can be restricted. Mark Sammut assured the DRB will be reviewing building height.

Andy Simmons, 175 Palmer Court, mentioned the following concerns:

- The area is the Champlain historic corridor
- Impact on nature/animals in the area
- Light pollution
- Traffic back up onto streets in the residential neighborhood.

Chris Latta, 69 Clearwater Circle, said there is concern about bringing in “unwanted elements” into the private neighborhood. Stephen Brandon said he will inform his patients and residents in the development that the adjacent neighborhood is private.

Bob Millay, 310 Clearwater Road, said the proposed development lacks congruity and is out of character with the single-family housing neighborhood. The development will cause noise pollution, light pollution, water pollution, and impact the wildlife.

Kevin O’Brien, 169 Wild Rose Circle, spoke about destruction of the existing woods and impact on wildlife. The proposed “shielding” is not enough to keep the condominiums from impinging on the privacy of the houses in front. The residents and environment of Wild Rose Circle need to be protected.

Mark Bonfigli, Clearwater Road, expressed concern about the impact of the proposed development on the private neighborhood which the residents have invested in for many years to make it what it is today. The private neighborhood community wants to protect what they have done.

Gail Albert, Shelburne Natural Resources Committee, urged the applicant to contact the committee regarding impact on the forest.

Alex McPhail Cohen, Clearwater resident, echoed the concerns expressed about traffic and people coming into the private neighborhood.

DELIBERATION/DECISION

Sketch Plan, Form Based Code Mixed Use Development, 2870 & 2882 Shelburne Road, Brandon/Crombach (FBZ21-02)

John Day stated the access issue does need to be addressed, but otherwise the form-based code process provides the DRB with less flexibility in addressing development proposals due to the prescriptive list of requirements that lead to approval.

MOTION by John Day, SECOND by Mark Sammut, to continue the public hearing and the review of the application by Stephen Brandon and Shelley Crombach (FBZ21-02) for a mixed-use development under form based code at 2870 & 2882 Shelburne Road until October 6, 2021. VOTING: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

There was mention of inviting the Planning Commission to attend DRB hearings on higher density form-based zoning applications.

7. ADJOURNMENT

MOTION by Anne Bentley, SECOND by Zeke Plante, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:02 PM.

RScty by tape: MERiordan