

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
September 6, 2023**

MEMBERS PRESENT: Mark Sammut (Chair); Mike Major, Anne Bentley, Bob Glover, Allyson Myers. (David Hillman and Steve Kredell were absent.)
STAFF PRESENT: Kit Luster, DRB Coordinator.
OTHERS PRESENT: Bryan Currier, David Shenk, Catherine Buscaglia, David Conger, Tracey Beaudin, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Minutes (8/2/23)
4. Disclosure of Conflicts of Interest
5. Applications:
 - Final Plan Amendment, Utility Easements, 4309 Shelburne Road, Shenk Enterprises/The Howard Center (SUB21-01R1/FBZ21-01R1)
 - Remove Condition of Approval, Dissolve Agricultural Easement, Lot 3, 568 Governor’s Lane/4947 Spear Street, Adam Hergenrother/Robert Clark (SUB00-07R1)
 - Site Plan Amendment, Expand Building, 97 Executive Drive, NPC Processing (SP11-03R2)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

2. PUBLIC COMMENTS

3. MINUTES

August 2, 2023

MOTION by Mike Major, SECOND by Mark Sammut, to approve the minutes of 8/2/23 as presented. VOTING: 4 ayes, one abstention (Allyson Myers); motion carried.

4. DISCLOSURE OF CONFLICTS OF INTEREST

None.

5. APPLICATIONS

SUB21-01R1/FBZ21-01R1: Final Plan Amendment to correctly locate utility easements at 4309 Shelburne Road in the Mixed-Use District, Stormwater Overlay,

and SR-FBOD Mixed Use Neighborhood Character District by Shenk Enterprises/The Howard Center

David Shenk and Catherine Skyer appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/6/23. Kit Luster reported the project is underway. The applicant is seeking to amend the Final Plat in the land records and needs DRB approval to do so per the advice of the Town Attorney.

APPLICANT COMMENTS

David Shenk stated the only change to the site plan is a consolidation of the telephone easement due to the location of the new building.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan Amendment, Utility Easements, 4309 Shelburne Road, Shenk Enterprises/The Howard Center (SUB21-01R1/FBZ21-01R1)

MOTION by Mark Sammut, SECOND by Bob Glover, to finalize the record, close the hearing, and direct staff to prepare a decision for the relocation of utility easements at 4309 Shelburne Road by Shenk Enterprises/The Howard Center, application SUB21-01R1/FNZ021-01R1, with the following conditions:

- 1. A Mylar of the Final Plat meeting the requirements of Section 620 of the Shelburne Subdivision Regulations and applicable state statutes shall be recorded in the Shelburne Land Records within 180 days of the signed approval by the DRB Chair.**
- 2. All documents pertaining to the deeds, covenants, restrictions, and easements shall be recorded in the town's land records.**

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

SUB00-07R1: Remove previous condition of approval for an agricultural easement across Lot 3 at 568 Governor's Lane/4947 Spear Street in the Rural District and Stormwater Overlay District by Adam Hergenrother/Robert Clark

Bryan Currier with O'Leary Burke Civil Engineering appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/6/23. Kit Luster reported the Town Attorney's opinion is a new mylar is not necessary. The DRB approval and release of condition of approval will be recorded in the land record tied to the property. The easement does not continue onto the Valenti property.

APPLICANT COMMENTS

The applicant had no further comment.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Remove Condition of Approval for Agricultural Easement, Lot 3, 568 Governor's Lane/4947 Spear Street, Hergenrother/Clark (SUB00-07R1)

MOTION by Mike Major, SECOND by Bob Glover, to finalize the record, close the hearing, and direct staff to prepare a decision for SUB00-07R1, removal of a previous condition of approval for an agricultural easement on Lot 3 at 568 Governor's Lane/4947 Spear Street by Hergenrother/Clark, with the following conditions:

- 1. All legal documents stipulated in the Final Plan Approval of SUB 00-07R1 and the legal documents that require revision in the approval of Final Plan Amendment application SUB 00-07R1 must be recorded in the Shelburne Land Records within 180 days of signed approval.**
- 2. All other prior conditions of approval not affected by this decision shall remain in effect.**

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

SP11-03R2: Site Plan Amendment to expand an existing commercial building by 6,200 s.f. at 97 Executive Drive in the Commerce and Industry District and Stormwater Overlay District by NPC Processing

David Conger, Dubois & King, appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/6/23. Kit Luster clarified the correct application is SP11-03R2, not SUB11-03R2 as was recorded in the warning.

APPLICANT COMMENTS

David Conger explained the applicant is seeking to expand the meat processing building at 97 Executive Drive for more processing and storage space for product. There will be no additional employees. The addition will be the same building height and look of the existing building. Stormwater management work is also being done on the site and a small sidewalk added to the employee entrance to the building.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Site Plan Amendment, Expand Building, 97 Executive Dr., NPC Processing (SP11-03R2)

MOTION by Mark Sammut, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision for expansion of the building at 97 Executive Drive by NPC Processing (SP11-03R1) with the following conditions:

- 1. Prior to any site work or construction, a zoning permit for that work must be obtained from the Planning & Zoning Office.**
- 2. Prior to any site work or construction, approval of capacity to serve for the additional allocation must be obtained from the Town of Shelburne Water and Wastewater Departments.**
- 3. All other prior conditions of approval not affected by this decision shall remain in effect**

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

6. OTHER BUSINESS

DRB Meeting Schedule

September 20, 2023 – application(s)

October 4, 2023 – application(s)

October 18, 2023 – application(s)

October 26, 2023 – Regional Planning Essentials of Lane Use Planning training session

7. ADJOURNMENT

MOTION by Anne Bentley, SECOND by Bob Glover, to adjourn the meeting.

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

The meeting was adjourned at 7:26 PM.

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