

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 7, 2022**

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

STAFF PRESENT: Aaron DeNamur, DRB Coordinator & Assistant Zoning Administrator; Adele Gravitz, Planning Director.

OTHERS PRESENT: Bryan Currier, Tim Gravelin, Dave Marshall, Michael Koch, Jim White, Laurie Kotorman, Mark Kotorman,, Matt Chandler, David Abbot, David Neo-Nyquist, Melinda Magus, Michael White, Gail Albert, Burlington Yoga, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (8/17/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Subdivision, Two Lots, 913 Falls Road, A&M Construction (SUB22-01R1)
 - Sketch Plan, Subdivision, Two Lots, 1 Nashville Road, Laurie & Mark Kotorman (SUB19-03R2)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

2. MINUTES

August 17, 2022

MOTION by Mike Major, SECOND by John Day, to approve the minutes of 8/17/22 as presented. VOTING: 4 ayes, 2 abstentions (Allyson Myers, 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.

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 and Tim Gravelin appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/7/22. Aaron DeNamur reviewed the Sketch Plan for a two lot subdivision with an existing single-family house and a proposed six unit multi-family structure, and noted the opinion from the Town Attorney was received on developable land.

APPLICANT COMMENTS

Bryan Currier disagreed with the opinion from the Town Attorney based on Section 930.1 of the regulations for the Shelburne Falls Mixed Use District which refers to “minimum lot size” and not “developable land.” Mr. Currier pointed out the term “developable land” is used in Section 330.1 for the Rural District to define density. Multi-family is not an allowed use in the Rural District. The Definition section has a definition of “developable land” and “lot” (Section 2110.92). There was continued discussion of the opinion from the Town Attorney on the definition in the subdivision regulations. Bryan Currier also referred to the approval condition regarding analysis to substantiate the wetlands present on the property and buildable area on the entire property and requested that the wording be changed to read “near any areas of disturbance” rather than delineating wetlands on the entire property because it makes no sense to delineate wetlands that are not near the buildings.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 913 Falls Road, A&M Construction (SUB22-01R1)
MOTION by Mark Sammut, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision to approve the Sketch Plan for SUB22-01R1 for a two lot subdivision at 913 Falls Road by A&M Construction with the following conditions:

- 1. The applicant shall submit an analysis of any wetlands that are within the wetland buffer area adjacent to the buildings.**
- 2. Review by Shelburne Historic Preservation & Design Review Committee (SHP&DRC) is required (given the subject property location and the request to remove a shed) before the applicant submits the Final Plat application to the DRB.**
- 3. The application 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 shall provide documentation that the project is either exempt or in compliance with EPR Chapter 22.

4. The applicant shall demonstrate 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 attachment to the Town of Shelburne.
5. The applicant shall meet with the town 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.
6. The applicant is approved to build up to five units on Lot #2.

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

SUB19-03R2: Sketch Plan for a two lot subdivision with Lot 1 having an existing mobile home park and Lot 2 to have a single-family dwelling accessed off Kelady Drive on property at 1 Nashville Road in the Residential District, Stormwater-Impaired Overlay District, and a portion in the Water Course Overlay District by Laurie and Mark Kotorman

Dave Marshall and Michael Koch with Civil Engineering Associates, and Laurie and Mark Kotorman appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 9/7/22. Aaron DeNamur reviewed the proposal for a two lot subdivision at 1 Nashville Road. There is an existing mobile home park on Lot 1 and a single-family house to be built on Lot 2. The mobile home park is served by municipal water. The single-family house will have a drilled well. The proposed location of the house does not meet the definition of developable land.

APPLICANT COMMENTS

Michael Koch, CEA, stated Lot 2 will be accessed from Kelady Drive. The house will have a drilled well and municipal sewer connection. Munroe Brook is located away from and behind Lot 2. Lot 2 will be part of the mobile home homeowners association.

There was discussion of developability of projects on 15% slope and the land development definition. Dave Marshall requested the DRB give the definition due consideration per past practice (the 15% is a warning that if exceeded erosion and access must be addressed), but not apply the definition in a manner where it is explicit that land with slope greater than 15% cannot be developed. Aaron DeNamur noted most municipalities use 20% -25%, but the Shelburne regulations say 15%.

There was discussion of the location of the house as shown on the site plan and Lot 2 being part of the homeowners association. Michael Koch said the location is conceptual

for sketch plan review. The location lends itself to a walkout basement and the homeowners association wants the wildlife areas protected.

Allyson Myers mentioned the request from Shelburne Natural Resources Committee for an open space agreement in conjunction with Lot 1.

PUBLIC COMMENT

Matt Chandler, homeowners association, noted the same requirements for members of the homeowners association will apply to Lot 2 relative to building envelope, setbacks, clearing, legal costs. Matt Chandler asked if there are plans to develop Lot 2. Laurie Kotorman said there are no plans presently, but if the lot is sold the new owner may have plans.

DELIBERATION/DECISION

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 1 Nashville Road by Laurie and Mark Kotorman 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 trigger a new or renewed individual state shall provide documentation that the project is either exempt or in compliance with EPR Chapter 22.**
- 2. The applicant shall demonstrate 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 Public Works Department and 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: unanimous (6-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Well Wishes for Aaron DeNamur

Congratulations were extended to Aaron DeNamur on his new position in Norwich, Vermont. Adele Gravitz, Planning Director, will staff the DRB while a search for a new DRB Coordinator is conducted. It may be necessary to hold only one DRB meeting per month in the interim due to staffing levels.

Administrative Approvals

Staff reviewed the administrative approval(s) for the following:

- Vallee – driveway alignment (SP22-02)

7. ADJOURNMENT

**MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting.
VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 8:22 PM.

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