

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. 15, 2021**

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

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

**STAFF PRESENT:** Ken Belliveau, Interim DRB Coordinator.

**OTHERS PRESENT:** Susan McLellan, Peggy Coutu, Sean MacFaden, Don Rendell, Joyce George, David Mullin, David Krag, Media Factory (Wendy).

**AGENDA:**

1. Call to Order and Agenda
2. Approval of Minutes (9/1/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Final Plat, Subdivision, Two Lots, 92 Irish Hill Road, Krag (SUB19-01R1)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair, Mark Sammut, called the hybrid in-person and teleconference meeting to order at 7 PM.

**2. MINUTES**

*September 1, 2021*

**MOTION by John Day, SECOND by Mike Major, to approve the 9/1/21 minutes with the addition of the attendees via Zoom. VOTING: unanimous (5-0); 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.

**SUB19-01R1: Final Plat review of a proposed two lot subdivision at 92 Irish Hill Road in the Shelburne Falls Mixed Use District by David and Jesusa Krag**

David Mullin, Executive Director of Green Mountain Habitat for Humanity, appeared on behalf of the application.

#### STAFF REPORT

The DRB received a written staff report on the application, dated 9/15/21. Ken Belliveau reported the Final Plan application is for a minor subdivision of two lots in the Shelburne Falls Mixed Use District. The parking lot is partially in the front yard setback which typically is not good design, but there is nothing in the bylaws that prohibits this.

#### APPLICANT COMMENTS

David Mullin confirmed every effort has been made to comply with what was requested by the town.

#### PUBLIC COMMENT

Peggy Coutu, 82 Irish Hill Road, said she was not aware of the meeting on the application that was held in March 2021. Ms. Coutu expressed concern about the driveway impacting sight distance on Irish Hill Road and the increase in the cars using the curb cut which would be better located farther to the east, adding that the Shelburne Public Works Director agreed the curb cut would be better located farther up on Irish Hill Road. David Mullin noted originally the driveway was located farther up the road, but the DRB wanted the existing curb cut to be used. Mark Sammut noted the file contains a letter from Highway Superintendent, Paul Goodrich, dated 8/5/21, saying Mr. Goodrich had no comments on the application. The existing curb cut will serve three lots.

Susan McLellan, Falls Road, said the driveway under discussion is located in a bad location on a curve on a hill. Also, it is difficult to get into and out of the driveway. Ms. McLellan said the abutting landowner, Coutu, was not apprised of the meeting on the application in March 2021. There was discussion of the list of abutting property owners for each application and notice being sent out of hearings (the applicant provides the town with envelopes and the list of abutters, and the town sends out the notices). Ken Belliveau stated that the Coutus names and address was on the list of abutting land owners in the file. David Krag confirmed they followed the protocol to inform abutters of the hearings.

There was discussion of the curb cut and location of the parking lot. It was pointed out that moving the parking lot and the curb cut would result in more impervious area.

Sean MacFaden, Shelburne Natural Resources Committee, mentioned the proximity of the LaPlatte River to the parking area which seems quite large for the number of housing units. Mr. MacFaden felt the committee should have reviewed the application prior to Final Plan. David Mullin said Green Mountain Habitat for Humanity will build on the property and will build a parking lot as small as feasible, but Habitat has found duplex buildings need a larger parking lot.

Don Rendell, Shelburne Natural Resources Committee, asked if impervious paving was considered. David Mullin said the cost would be exorbitant for affordable housing. Mark

Sammut said the letter from the Water Quality Superintendent indicated the stormwater plan was fine.

#### DELIBERATION/DECISION

Final Plan, Subdivision, Two Lots, 92 Irish Hill Road, Krag (SUB19-01R1)

**MOTION by John Day, SECOND by Mike Major, to approve SUB19-01R1, Final Plat Submittal Plan Set prepared by Civil Engineering Associates, date stamped 8/19/21, for a two-lot subdivision at 92 Irish Hill Road by David and Jesusa Krag subject to the following conditions:**

1. **The mylar of the Final Plat acceptable to staff and meeting the requirements of Section 610 of the Shelburne Subdivision Regulations shall be recorded in the Shelburne Land Records within 180 days of the signed approval by the DRB Chair.**
2. **A zoning permit meeting Shelburne zoning regulations and consistent with the approval shall be issued by the Shelburne Planning Department prior to commencing any site work or construction.**
3. **Additional sewer allocation shall be obtained from the town prior to beginning any construction on any additional dwelling units on either of the proposed lots in SUB19-01R1.**
4. **Prior to commencing construction, a pre-construction meeting will be held between the developer, the project engineer and contractor, and town staff; additional meetings will be held as requested by town staff during construction (e.g., following large storm events).**

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

#### 6. OTHER BUSINESS/CORRESPONDENCE

*Administrative Decision: Almartin Volvo*

Mark Sammut noted the minor changes to the Almartin Volvo site plan which were approved administratively.

*Notice of Decisions*

Staff said the voting by each board member will be reflected in the Notice of Decision document. Board members agreed to respond with comments if any within 72 hours of receipt of the draft Notice of Decision document(s). The Chair will then sign the document(s).

*September 28, 2021 Selectboard Meeting*

The DRB was urged to attend the 9/28/21 Selectboard meeting and participate in discussion of the simplification of the zoning regulations in support of economic development in town.

#### 7. ADJOURNMENT

**MOTION by Anne Bentley, SECOND by John Day, to adjourn the meeting.**

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

The meeting was adjourned at 8:17 PM.

*RScty by tape: MERiordan*