

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  
October 4, 2023**

**MEMBERS PRESENT:** Mark Sammut (Chair); Mike Major, Bob Glover, Allyson Myers, Steve Kredell. (Anne Bentley and David Hillman were absent.)

**STAFF PRESENT:** Kit Luster, DRB Coordinator.

**OTHERS PRESENT:** Bryan Currier, Michael Gravelin, Michael Koch, Frances Nesti, Russell Barone, Rolf Kielman, Heather Nesti, Media Factory.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Minutes (9/20/23)
4. Disclosure of Conflicts of Interest
5. Applications:
  - Conditional Use, Nonconforming Structure, Single Family House, 274 Pine Haven Shores Lane, Leon and Heather Nesti (CU23-01)
  - Final Plan\Conditional Use, Subdivision, Two Lots with Multi-Family Building, Five Units, 913 Falls Road, A&M Construction (SUB22-01R1\CU22-01)
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**

None.

**3. MINUTES**

*September 20, 2023*

**MOTION by Mark Sammut, SECOND by Mike Major, to approve the minutes of 9/20/23 as presented. VOTING: unanimous (5-0); motion carried.**

**4. DISCLOSURE OF CONFLICTS OF INTEREST**

None.

**5. APPLICATIONS**

**CU23-01: Conditional Use to rebuild a nonconforming single family house in the Residential District, Stormwater Overlay District, and Lakeshore Overlay District at 274 Pine Haven Shores Lane by Leon and Heather Nesti**

Michael Koch with CEA, Rolf Kielman with Truex Cullins, and Heather Nesti appeared on behalf of the application.

#### STAFF REPORT

The DRB received a written staff report on the application, dated 10/4/23. Kit Luster reviewed the application for a nonconforming structure (single family house) in the Lakeshore Overlay District. Information is needed on the stormwater plan.

#### APPLICANT COMMENTS

Mike Koch stated the stormwater plan has been revised to show a “no mow” zone which will slow runoff from the proposed improvements on the lot. A Shoreline Protection Application has been submitted to the state. All state operational stormwater and shoreline practices will be met. The single family house was designed by Truex Cullins Architects. Existing water and sewer service will be used as well as the existing driveway.

Mark Sammut asked if the nonconformity is to a lesser extent than the current dwelling. Rolf Kielman stated the nonconformance is about the same. The nonconformance is two feet in the height of the roof. The roof pitch is 4.5 x 12. The house will have a solar array on the roof. The view from the street is of a one-story structure (the second floor of the house is at ground level and the main floor is below ground level).

Bob Glover asked about impervious surface. Rolf Kielman said the house footprint is the same, but a patio is proposed which adds about 500 s.f. of impervious surface.

Heather Nesti said the neighbor has been contacted about the stormwater plan. Rolf Kielman said there will be a perimeter drain on the foundation (stone drip line). There are no gutters on the house.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Conditional Use, Nonconforming Structure, Single Family House, 274 Pine Haven Shores Lane, Nesti (CU23-01)

**MOTION by Mark Sammut, SECOND by Steve Kredell, to finalize the record, close the hearing, and direct staff to prepare a decision of approval for CU23-01 (single family house at 274 Pine Haven Shores Lane) by Leon and Heather Nesti, with the following conditions:**

- 1. A zoning permit must be obtained from the Planning & Zoning Office before any site work or building can begin.**

2. **The applicant and owner of the property shall maintain a ‘no cut’ zone as depicted on the site plan.**

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

**SUB22-01R1\CU22-01: Final Plan\Conditional Use for a two-lot subdivision with a five-unit multi-family building on Lot 2 at 913 Falls Road in the Shelburne Falls Mixed Use District, Stormwater Overlay District, and Village Design Review Overlay District by A&M Construction**

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

#### STAFF REPORT

The DRB received a written staff report on the application, dated 10/4/23. Kit Luster said more information is needed on the landscape plan to ensure there is adequate screening of the building. Staff recommends a financial surety bond for the landscaping.

#### APPLICANT COMMENTS

Bryan Currier stated a landscape plan has been submitted showing a cedar hedge on the western boundary, trees on the eastern boundary, and shrubs in front of the building. The units in the building will be ADA accessible and will be for sale, not rentals. There was mention of the driveway (remains in the current location), wetlands (the building is five feet from the wetlands buffer), and pedestrian access to the natural area abutting the property (DRB felt it not appropriate to require a property owner to grant public access through private property to an abutting nature area).

#### PUBLIC COMMENT

Russ Barone, abutting property owner, mentioned he did not receive notice of the sketch plan review meeting and would have attended to make comment about the application at that time. Mr. Barone pointed out according to the town’s zoning bylaws a complete application requires building plans, floor plans, elevations, outdoor lighting plan, and landscaping plan. The applicant has not submitted all the plans as required for a complete application. Also, there is question how the proposed building fits the scale, size, and scope of the neighborhood. There are no other structures on Falls Road in the district even close to the building size or rectangular box conformity and most of the buildings have a relationship of the face of the building to face the road. Mr. Barone stressed a building 150’ long by 32’ tall will have an impact on his abutting property and property value. There could be other ways to configure the development without so much impact such as reorienting the building or having a three unit building and a duplex.

Kit Luster noted the application must go through design review/approval and no lighting is proposed so a lighting plan is not needed. Russ Barone expressed concern that if the DRB approves the Final plan then the design review committee will not have any say as

to the shape, configuration or location of the five-unit building only on the architectural standards and finishes on the building.

#### DELIBERATION/DECISION

Final Plan\Conditional Use, Subdivision, Two Lots with Multi-Family Building, Five Units, 913 Falls Road, A&M Construction (SUB22-01R1\CU22-01)

**MOTION by Mark Sammut, SECOND by Bob Glover, to continue the application by A&M Construction for 913 Falls Road (SUB22-01R1\CU22-01) to November 15, 2023 pending receipt of the following information from the applicant:**

- **Elevations**
- **Complete application including review/approval by Shelburne Historic Preservation & Design Review Committee**
- **Lighting plan for lights on the building at any point in time to avoid violating the site plan**

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

Staff will notify Russ Barone of the date of the Shelburne Historic Preservation & Design Review meeting covering the A&M Construction application.

#### 6. OTHER BUSINESS

##### *DRB Meeting Schedule*

October 18, 2023 – application(s)

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

##### *Late Submittal of Supporting Documents for Applications*

The DRB stressed the need to receive application submittals at least a week prior to the DRB meeting to allow time for review.

#### 7. ADJOURNMENT

**MOTION by Allyson Myers, SECOND by Bob Glover, to adjourn the meeting.**

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

The meeting was adjourned at 8:05 PM.

*RScty by tape: MERiordan*