

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 19, 2022**

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

STAFF PRESENT: Adele Gravitz, Planning Director; Betsy Cieplicki, Rec Director, Lee Krohn, Town Manager,

OTHERS PRESENT: Tracey Beaudin, Don Rendall, Charles & Jean-Carol Dunham, Dave Marshall, Jack Milbank, Jeff McBride, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (9/21/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use, Relocate/Reconstruct Beach House, 407 Beach Road, Town of Shelburne (CU22-02)
 - Sketch Plan, PUD Subdivision, Two Lots, 165 Rivervale Road, Charles & Jean-Carol Dunham (SUB21-03)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

2. MINUTES

September 21, 2022

MOTION by John Day, SECOND by Allyson Myers, to approve the minutes of 9/21/22 as presented. VOTING: unanimous (6-0); 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.

CU22-02: Conditional Use to relocate and reconstruct the beach house at Shelburne Town Beach, 407 Beach Road, in the Rural District and Lakeshore Conservation Overlay District by Town of Shelburne

Betsy Cieplicki, Jeff McBride, Jack Milbank, and Dave Marshall appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 10/19/22.

APPLICANT COMMENTS

Jeff McBride reviewed the plan to remove the old beach house structure and rebuild the same footprint 20' farther from the water which will still be within the 102' contour, but less so. The one-story structure will have four bathrooms, three showers (one is a foot shower), a drinking fountain, a lifeguard station, and an open porch area. There will be a rain garden and a new walkway and patio area on the west side of the building. The lawn will filter stormwater runoff. Stormwater and erosion control plans will be submitted. The existing septic holding tank will be evaluated and replaced if necessary. Municipal water will serve the building.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Relocate/Reconstruct Beach House, 407 Beach Road, Town of Shelburne (CU22-02)

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 Conditional Use application, CU22-02, for the relocation and reconstruction of the town beach house at 407 Beach Road by the Town of Shelburne with the following conditions:

- 1. The applicant shall provide documentation of any and all required permits and approval from the State of Vermont and any applicable permitting agencies prior to obtaining any zoning permits from the town for work or construction on the subject property.**
- 2. The applicant shall address the comments from the town Wastewater & Stormwater Department as well as the following:**
 - Both new and redeveloped impervious should be considered for treatment.
 - If simple disconnection is part of the plan that should be shown on the plan sheet typical of other application.
 - Provide soil borings completed at the site in the location of the rain garden.
 - Provide a plan showing the delineation of the drainage area to the rain garden.
- 3. Any construction activity on the subject property in conjunction with the application shall be limited to plans approved by the DRB in accordance**

with the provision so Articles III and XVII of the Shelburne Zoning Bylaws and all of the conditions stated above.

4. No work on the subject property in connection with the approval may be commenced until a zoning permit has been approved and obtained from the Shelburne Planning & Zoning Office.

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

SUB21-03: Sketch Plan for a two lot PUD subdivision at 165 Rivervale Road in the Rural District and a portion in the Special Flood Hazard Area Overlay District by Charles & Jean-Carol Dunham

Charles and Jean-Carol Dunham and Dave Marshall appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 10/19/22. Adele Gravitz noted since the original approval in 2021 the applicant has added a wastewater disposal system and environmental work. The DRB may want to discuss the dwelling being located on a steep slope.

APPLICANT COMMENTS

Dave Marshall reviewed the site plan showing the proposed subdivision in the Rural District following pre-application review. The dwelling will be located in the northern portion of the lot. The plan shows the wetlands, buffers, wastewater disposal sites, and open space. All necessary permits will be secured.

PUBLIC COMMENT

Mark Sammut noted a letter from the adjacent property owner was received expressing concern about density, wetlands, access to Lot 2A, and stormwater runoff. Dave Marshall stated the two-lot subdivision is consistent with what is allowed in the zone. The driveway and the new house location do not drain toward either the wetlands or the existing pond (the state now has a more robust review of how stormwater is managed). The deed does not appear to have any limitation to add another lot (there is an easement for access). Prior development did drain to the north, but the current application drains away from the neighbor's property.

Don Rendall observed the open space delineation matches up well with the map made by the Shelburne Natural Resources Committee and the shorter driveway will have less impervious area. It is suggested the stormwater flow be calculated for a five-year storm, not a one-year storm. Dave Marshall said the house has been placed as far north as possible. A building envelope will be shown on the plan. The applicant will try to address stormwater comments and stormwater practices per the state manual for the five-year storm. Don Rendall asked about the existing drive on Lot 1 going through the open space. Dave Marshall said the property owner maintains the property so the gravel drive into the lower portions of the property will remain.

DELIBERATION/DECISION

Sketch Plan, PUD Subdivision, Two Lots, 165 Rivervale Road, Dunham (SUB21-03)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision on SUB21-03 allowing the applicant, Charles and Jean-Carol Dunham, to file a Final Plan application for a two-lot PUD subdivision at 165 Rivervale Drive with the following conditions:

- 1. The applicant shall comply with all of the development standards and procedures as specified in Articles III, XVII, and XIX of the Shelburne Zoning Bylaws (effective date June 14, 2022) and Articles VI through XI of the Shelburne Subdivision Regulations (effective date February 15, 2022) and the Shelburne Public Works Standards as applicable.**
- 2. The applicant must include a Project Review Sheet from the State of Vermont Department of Environmental Conservation & Natural Resources Board in their Final Plan application as well as supporting permits from the State of Vermont in the form of a Wastewater Disposal and Potable Water Supply Permit and an authorization for work under General Permit 3-9020 for Construction Stormwater Runoff.**
- 3. The applicant shall obtain comments from the appropriate town departments and committees as specified in Section 610(13) of the Shelburne Subdivision Regulation.**
- 4. Steep slopes are not developable land, and the applicant shall demonstrate that the proposed new dwelling is not on a slope greater than 15% per Section 2110.36 Developable Land – Land that is suitable for development and which is not characterized by any of the following: a. Slopes of 15 percent or more.**
- 5. The DRB will consider requirements for how open space will be owned and maintained.**

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

6. OTHER BUSINESS/CORRESPONDENCE

Meeting Schedule

No meeting December 7, 2022.

Administrative Approval(s)

SP95-02R5, addition of a retaining wall, 135 Northside Drive, Atlas Gun Works.

7. ADJOURNMENT

MOTION by John Day, SECOND by Zeke Plante, to adjourn the meeting.

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

The meeting was adjourned at 7:58 PM.

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