

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
December 20, 2023**

MEMBERS PRESENT: Mark Sammut (Chair); Mike Major, Bob Glover, Steve Kredell, Anne Bentley, David Hillman, Allyson Myers.
STAFF PRESENT: Kit Luster, DRB Coordinator; Aaron DeNamur, Planning Director; Matt Lawless, Town Manager.
OTHERS PRESENT: Bryan Currier, Russ Barone, Erik Alling, Tim Louckes, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Minutes (12/6/23)
4. Disclosure of Conflicts of Interest
5. Applications:
 - Final Plan, Subdivision, Two Lots, 4-Unit Multifamily Building, 913 Falls Road, A&M Construction (SUB22-01R1\SP23-03)
 - Conditional Use\Site Plan, Pedestrian Bridge, Falls Road/Irish Hill Road, Town of Shelburne (CU23-02\SP23-02)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the meeting to order at 7 PM. There were no changes to the agenda.

2. PUBLIC COMMENTS

None.

3. MINUTES

December 6, 2023

MOTION by Mike Major, SECOND by Allyson Myers, to approve the minutes of 12/6/23 as presented. VOTING: unanimous (7-0); motion carried.

4. DISCLOSURE OF CONFLICTS OF INTEREST

None.

5. APPLICATIONS

SUB22-01R1\SP23-03: Final Plan for a two lot subdivision with a four unit multifamily building on Lot 2 at 913 Falls Road in the Shelburne Falls Mixed Use District, the Stormwater Overlay District, and the Village Design Review Overlay District by A&M Construction

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

STAFF REPORT

The DRB received a written staff report on the application, dated 12/20/23. Staff reported the application has been revised to reflect four units (fourplex) so a conditional use permit is not necessary. The Final Plan is for the multifamily building.

APPLICANT COMMENTS

Bryan Currier stated a fourplex building is a permitted use in Shelburne’s regulations. The existing single family house will remain. All setbacks are met with the multifamily building. Building elevations have been submitted. The lighting plan has been submitted (low level, downcast lights on the front and rear entrances only). There are no dumpsters. Curbside pickup will be used.

There was discussion of the input from the Shelburne Design Review Committee which was just received by the DRB. Staff advised the DRB can include the recommendations from the committee in the conditions of approval for the application. David Hillman suggested there be a condition of approval requiring the site plan to be updated to reflect the suggestions from the design review committee relative to the porches. It was noted the building configuration and orientation were reviewed under Sketch Plan and there are other lots in the area with similar building configuration.

There was discussion of landscaping and screening of the parking area. Bryan Currier clarified the driveway shows three parking spaces in front of each garage. The beginning of the driveway is screened with plantings. There was discussion of the distinction between parking space, parking area, and driveway, and that the application shows a driveway with parking in front of the garage, not a parking area.

There was discussion of doing a traffic survey. Staff pointed out the application does not meet the traffic generation threshold to warrant a traffic study.

PUBLIC COMMENT

Russ Barone, adjacent property owner to the west, said the current configuration of the building is an improvement, but there is still concern about screening the building. There is a 30’ wide span of existing vegetation on the property line. A 15’ no clear zone between the lots is requested as well as plantings of arborvitae to screen the building year-round. Also, the homeowner association does not state responsibility for maintaining the landscaping and other fixtures such as fences and there should be some restrictions on storage units in the back of the building. Finally, the documents submitted by the applicant must represent the current proposal for the four unit building.

A neighboring resident made a comment on screening on the Barone lot. Mr. Barone explained the clearing that was done on his lot was for the driveway and underground power line.

DELIBERATION/DECISION

Final Plan, Subdivision, Two Lots, 4 Unit Multifamily Building, 913 Falls Road, A&M Construction (SUB22-01R1\SP23-03)

MOTION by Mark Sammut, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision for SUB22-01R1\SP23-03 (two lot subdivision with a four unit multifamily building on Lot 2) with the following conditions:

1. A mylar of SUB22-01R1 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. A zoning permit from the Planning & Zoning Office must be obtained before any work starts on the project.
3. A Certificate of Occupancy will be required upon completion of each unit and the build of required infrastructure.
4. Connection to town water and sewer services will be in conformance with the Shelburne Public Works Standards.
5. There shall be no importation of any fill or other materials on to the subject property beyond what is necessary to complete the work authorized under the approval.
6. The applicant shall provide as-built drawings at the time of the Certificate of Occupancy application.
7. The applicant shall post a financial security guaranteeing the survival of the required landscaping for a minimum of two years after completion of the proposed development.
8. The site plan shall be revised to accurately reflect the footprint of the building, specifically the porches that were added, and the entire submittal package shall be updated to reflect the current proposal; the recommendations from Shelburne Design Review Committee will be reflected in the Findings of Fact document for the application.

VOTING: 4 ayes, 2 nays (Anne Bentley, Allyson Myers), one abstention (David Hillman); motion carried.

CU23-02\SP23-02: Conditional Use\Site Plan for a pedestrian bridge over the LaPlatte River at Falls Road/Irish Hill Road in the Shelburne Falls Mixed Use District and Watercourse Overlay District by the Town of Shelburne

Matt Lawless, Town of Shelburne, and Erik Alling, Stantec, appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 12/20/23. Staff reported the applicant has replied to the questions from staff. VT ANR had no comments on the application because the bridge is above the high water level. Staff would like confirmation of this from the applicant's engineer.

APPLICANT COMMENTS

Matt Lawless on behalf of the Town of Shelburne spoke about the nature of the project, grant funding and construction going forward. It was noted Stantec is the town's consulting engineer on the project.

Erik Alling with Stantec confirmed all proposed construction is above the flood stage elevation of 1985. The bottom of the bridge is where the proposed sidewalk will be and that is higher than the roadway bridge. The bridge is 15' higher than the 100-year flood level. Construction is outside any waterway impacts so only a conditional use from the town is needed. The bridge is on the FEMA Special Flood Hazard Map. The state has issued a letter in this regard.

David Hillman suggested the road closure that is planned be coordinated with a low traffic time on the road if possible. Erik Alling stated the contractor will submit a traffic control plan to be approved by the town and state. Mark Sammut suggested a condition of approval include having the road closure plan and signage reviewed by the Town Manager, Police Chief, Fire Department, and Public Works to ensure the best way to route traffic through and around town during the closure. Further, as part of the traffic plan a portable sign could be placed on Route 7 and other key locations announcing the bridge closure dates.

Anne Bentley asked the target date for installation of the bridge. Erik Alling said the lead time on the prefab bridge is significant. Installation will be roughly eight months after the start of construction at the beginning of 2024.

PUBLIC COMMENT

Tim Louckes, 141 Falls Road, asked for clarification on what is being approved and why he was not contacted as an abutting property owner. Mark Sammut explained the conditional use is for the bridge. Sidewalks are not part of the application before the DRB presently. Erik Alling stated the survey company determined property lines and the parcel in question was listed as owned by the town. It has been learned there is an easement on the parcel and this is being sorted out. The impacted properties are listed on the site plan.

DELIBERATION/DECISION

Conditional Use\Site Plan, Pedestrian Bridge, LaPlatte River, Falls Road/Irish Hill Road, Town of Shelburne (CU23-02\SP23-02)

MOTION by Mike Major, SECOND by Steve Kredell, to finalize the record, close the hearing, and direct staff to prepare a decision for CU23-02\SP23-02 for a pedestrian bridge over the LaPlatte River at Falls Road/Irish Hill Road by the Town of Shelburne with the following conditions:

- 1. The applicant must provide the Planning & Zoning Office with copies of all required state and federal permits.**
- 2. Prior to any site work or construction a zoning permit for that work must be obtained from the Planning & Zoning Office.**
- 3. The applicant shall provide documentation of any and all required permits and approvals from the State of Vermont and any applicable permitting**

- agencies of the U.S. Federal Government prior to obtaining any zoning permits from the town for work or construction on the subject property.
4. There shall be a pre-construction meeting in advance of the bridge closure with a minimum of the Police Dept., Fire Dept., Public Works, Town Manager, and the School Dept. to determine how to minimize the impact on traffic by the closure.
 5. The contractor and/or engineer shall issue a complete set of as-built drawings done by a registered professional engineer licensed in the State of Vermont.
- VOTING: unanimous (7-0); motion carried.**

6. OTHER BUSINESS

DRB Meeting Schedule

January 3, 2024 – no meeting

January 17, 2023 – no applications so no meeting

Bylaw Rewrite Update

Aaron DeNamur reported the Planning Commission reviewed draft Article 3 which is the new bylaw language for the zoning districts. There will be four neighborhood meetings recorded by Media Factory to gather public feedback on the new zoning map and draft zoning districts. It is hoped to have the revised bylaws adopted by the Selectboard in the fall.

Mark Sammut urged taking property lines into consideration with the mapping and avoiding one parcel being in two different zones. Mr. Sammut stressed it is time to clean up any confusion with the regulations and address any lack of definitions in the ordinance.

Anne Bentley asked about form based code. Aaron DeNamur said the current proposal eliminates form based zoning.

David Hillman asked about Act 47 and administrative review of minor subdivisions. Aaron DeNamur said the current draft language addresses this. Abutters will be notified of any subdivision application impacting them. The Zoning Administrator can forward an application to the DRB if there are any questions or issues.

7. ADJOURNMENT

MOTION by Mark Sammut, SECOND by Anne Bentley, to adjourn the meeting.

VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 8:36 PM.