

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**

January 6, 2021

***Meeting held by teleconference.**

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

STAFF PRESENT: Dean Pierce, Planning Director; Dan Albrecht, Acting DRB Coordinator.

OTHERS PRESENT: Dave Marshall, David Birmingham, Gail Albert, Elizabeth Bell, John Winston, Jed Graft, Chris Galipeau, Bart Frisbie, Tim Williams, Tom Rooney, Donna Piche, Marla Keene, Steve Kelson

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (1/16/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use\Site Plan, Commercial Vehicle Storage, 0 Northside Drive, Burlington Subaru (CU20-07\SP20-08)
 - Conditional Use\Site Plan, Veterinary Clinic, 140 Webster Road, J. Larry Williams, Sr. Family Trust (CU20-08\SP91-07R1)
 - Preliminary Plan, PUD, Four Lots, 33 Thomas Road, Three Jewels, LLC (SUB19-04)
6. Discussion of on-the-record review and enforcement
7. Other Business
8. Adjournment

1. CALL TO ORDER and AGENDA

Vice Chair, Mark Sammut, facilitated the teleconference meeting and called to order at 7 PM, held rollcall, and explained the procedure to be followed. “Interested persons” and ex parte communications relative to applications before the DRB were explained.

2. PUBLIC COMMENTS

There were no comments at this time from the public.

3. MINUTES

December 16, 2020

MOTION by John Day, SECOND by Allyson Myers, to approve the minutes of 12/16/20 with the correction that Allyson Myers lives in the neighborhood near the Sherk project, not the Warrington project. VOTING by rollcall: unanimous (4-0) [David Hillman not present for vote]; motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Allyson Myers mentioned that she is an acquaintance of the architect (John Rooney) working on one of the applications before the DRB.

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.

CU20-07\SP20-08: Conditional Use\Site Plan for commercial vehicle storage at 0 Northside Drive in the Commerce & Industry District and Stormwater Overlay District by Burlington Subaru

Dave Marshall with Civil Engineering Associates and Dave Birmingham with Burlington Subaru appeared on behalf of the application.

Submittals:

- Application cover letter, Dave Marshall, CEA, 11/20/20
- Conditional Use Review Application and Narrative
- Site Plan Review Application and Narrative
- Site Plan submittal and review standards summary
- Public Works Specifications, Article 3, Compliance Summary
- Traffic narrative and attachments
- Site lighting narrative and cuts
- Landscaping estimate
- Bike and pedestrian compliance narrative
- Comprehensive Plan trails mapping
- Stormwater narrative
- Combined stormwater package
- Stormwater calculations under separate cover
- Combined Department Head responses
- South Burlington stormwater services comments
- Commerce & Industry District compliance summary
- Plan Sheet C1.0, Existing Conditions Overall Site Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20
- Plan Sheet P1, Plat of Survey, Ondovchik Family Limited Partnership, CEA, 11/20/20
- Plan Sheet C1.1, Existing Conditions Site Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20
- Plan Sheet C2.0, Proposed site Conditions Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20
- Plan Sheet, C2.1, Proposed Grading & Drainage Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20

- Plan Sheet C2.2, Proposed Lighting Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20
- Plan Sheet C3.0, EPSC Site Plan, Burlington Subaru Overflow Facility, CEA, 11/20/20
- Detail Sheets (C3.1, C4.0, C4.1, C5.0, C5.1, C5.2), Burlington Subaru Overflow Facility, CEA, 11/20/20
- Subaru Dealership Overflow Parking Lot, Preliminary Landscaping Plan, Michael Lawrence & Associates, 11/23/20
- Adjoining property owners list
- Burlington Free Press notice, 12/20/20
- Notice of Public Hearing
- Town of Shelburne Planning and Zoning Posting Sign Protocol
- Notice of Application
- Town of Shelburne Staff Report, dated 1/6/21

STAFF REPORT

The DRB received a written staff report on the application, dated 1/6/21. Dan Albrecht briefly described the proposal for a commercial storage facility at 0 Northside Drive, noting waivers are requested by the applicant for bike parking and sidewalks. Issues to be addressed by the DRB include the Fire Department and stormwater comments, and screening.

APPLICANT COMMENTS

Dave Marshall, CEA, reviewed the site plan for a vehicle storage area in Shelburne Business Park. The proposal is the same land use as the vehicle storage area in Commerce & Industry South. Existing conditions show existing trees (evergreens) in place for screening which will be augmented to be in compliance with town regulations while still meeting security measures for the site. Presently there is not a building on the site, but the applicant may build at some point in the future. Lighting on the site will come on at dusk and remain on until one hour after normal business hours. There will be securing lighting on through the night. There is a lock gate to allow access by the Fire Department after hours. A waiver is requested to eliminate the requirement for a bike rack on the property since people will likely drive to the site. A waiver is also requested to eliminate the requirement for a sidewalk since the site is not a pedestrian destination and there is no building on the parcel. Also, sidewalk was not required to be installed for other development that exists along the road.

David Hillman asked if the comments on stormwater are acceptable. Dave Marshall confirmed this.

Mark Sammut asked about after hour delivery of vehicles. Dave Birmingham, Burlington Subaru, said there are no plans for deliveries to the site at this time. New cars will come to the dealership and be prepped for sale then brought to the storage area.

Mike Major asked about plantings by the hotel. Dave Marshall said additional buffering will be added on that side of the parcel. Dan Albrecht stated the list of plantings should

be in the final record. Dean Pierce confirmed the detailed plan is in the Planning & Zoning Office. Mark Sammut suggested having an escrow for landscaping.

There was discussion of the authority of the DRB to grant waivers. Dean Pierce advised the DRB may not have authority and suggested the DRB approve the plan as presented.

PUBLIC COMMENT

Gail Albert, resident, asked about impervious pavement. Dave Marshall said the surface will be gravel and stormwater runoff will be treated in the stormwater facilities (two of them) on the parcel.

A resident questioned if the project is the type the town wants in the area and is in compliance with the town plan. Dean Pierce said the town plan does not have specific language disallowing the use. Conditional use criteria refer to the character of the area and the Purpose section of the zoning regulations. The Commerce & Industry District is sympathetic to this type of development. David Hillman pointed out there is no business taking place on the site, just storage. Allyson Myers noted there are similar uses nearby and in the Route 7 corridor. Dave Marshall said the applicant submitted a document addressing the conditional use criteria and reference to the town plan. It is felt the project meets the standards and objectives of the town plan.

Marla Keene and Dave Hakey entered an appearance via email and attended the online hearing.

DELIBERATION/DECISION

Conditional Use\Site Plan, Commercial Vehicle Storage, 0 Northside Drive, Burlington Subaru (CU20-07\SP20-08)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing and grant approval of CU20-07 and SP20-08 for a commercial vehicle storage area at 0 Northside Drive by Burlington Subaru subject to the following conditions:

- 1. The project shall be constructed in accordance with the approved plan.**
- 2. The applicant shall provide some form of a financial surety in compliance with town regulations for the landscaping for a period of two years prior to issuance of a building permit.**
- 3. The applicant shall be responsible to address comments on stormwater to the satisfaction of the town prior to issuance of a zoning permit.**
- 4. The applicant shall regularly maintain all stormwater conveyance and treatment systems.**

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

CU20-08\SP01-07R1: Conditional Use\Site Plan for a veterinary clinic including demolition of an existing building and construction of a new single-story facility on the same footprint at 140 Webster Road in the Mixed Use District and the Stormwater Overlay District by J. Larry Williams, Sr. Family Trust

Tim Williams and John Rooney appeared on behalf of the application.

Submittals:

- General Application
- Site Plan Review Application
- Conditional Use Application
- Notice of Public Hearings, dated 12/20/20
- Town of Shelburne Planning and Zoning Posting Sign Protocol
- Notice of Application
- Memorandum, dated 12/29/20, from Chris Robinson
- Memorandum, dated 12/29/20, from David Wheeler
- Qi Veterinary Clinic A Team to Heal, Title Page, prepared by JRMA Design Studio
- Qi Veterinary Clinic A Team to Heal, Site Plan, Drawing L-1, prepared by JRMA Design Studio, dated 9/9/20
- Qi Veterinary Clinic A Team to Heal, lower level plan, Drawing A-1, prepared by JRMA Design Studio, dated 9/9/20
- Qi Veterinary Clinic A Team to Heal, main floor plan, Drawing A-2, prepared by JRMA Design Studio, dated 9/9/20
- Qi Veterinary Clinic A Team to Heal, elevations, Drawing A-3, prepared by JRMA Design Studio, dated 9/9/20
- Qi Veterinary Clinic A Team to Heal, building scenarios, Drawing A-4, prepared by JRMA Design Studio, dated 9/9/20
- Heal/Qi, front yard, Concept, prepared by Designer, David Grist, dated 11/20/20
- Heal/Qi front yard, Planting in context, prepared by Designer, David Grist, dated 11/20/20
- Heal/Qi, front yard, Planting zoomed in, prepared by Designer, David Grist, dated 11/20/20
- Heal/Qi, front yard, Plant schedule, prepared by Designer, David Grist, dated 11/20/20
- Lot 1 Williams Subdivision, Existing Conditions Plan, Drawing No. C1.0, prepared by CEA, dated 12/3/20
- Town of Shelburne Staff Report, dated 1/6/21

STAFF REPORT

The DRB received a written staff report on the application, dated 1/6/21. Dan Albrecht reviewed the proposal to demolish a portion of an existing structure and reconstruction of a one-story facility in the same footprint with renovation of the remaining structure for a veterinary clinic at 140 Webster Road. Issues to be addressed include stormwater, the amount of area to be disturbed, adequate landscaping, adequate glazing on the building facing Webster Road, employee parking, bike parking and number of parking spaces, loading operations, and the northwest corner of the parking lot being in the setback.

APPLICANT COMMENTS

John Rooney reviewed the planned renovation of the building on the site. The parking lot will be pulled back out of the setback. Green space will be created between the driveways

which will help with stormwater. Landscaping will be added. There is adequate parking for employees and clients. The church across the street has given permission to use their parking lot if needed. There is a possibility that the building may be extended up to 10' on the west side. A bike rack can be added.

Tim Williams stated the veterinary use will be less intensive than the previous use in the building (CopyTek).

There was discussion of the 30% requirement of glazing on the building façade, and that the DRB must decide how the requirement applies to the new portion of the building versus the existing portion of the building facing the street. Dan Albrecht said more clarity is needed as well on the gravel parking area, screening, and the stormwater plan. This information should be submitted to the Planning Office. Tim Williams said CEA is addressing stormwater. The windows on the new construction on the road sides will be recalculated. Traffic circulation and the number of parking spaces in the parking lot will be clarified. There is an agreement with the church across the street. Dean Pierce noted the term of the parking agreement must be five years.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Site Plan, Veterinary Clinic, 140 Webster Road, J. Larry Williams, Sr. Family Trust (CU20-08\SP91-07R1)

MOTION by Mark Sammut, SECOND by Mike Majors, to continue CU20-08\SP91-07R1 for a veterinary clinic at 140 Webster Road until 2/3/21 pending further information from the applicant. VOTING by rollcall: unanimous (5-0); motion carried.

SUB19-04: Preliminary Plan for a four lot residential Planned Unit Development at 33 Thomas Road in the Rural District and Floodplain and Watercourse Overlay District by Three Jewels, LLC

Chris Galipeau, Jed Graft, Donna Piche, and Bart Frisbie appeared on behalf of the application.

Submittals:

- Town of Shelburne DRB Notice of Public Hearings
- Notice of Application
- Letter form Chris Galipeau, CEA, dated 11/24/20
- Three Jewels, LLC Preliminary Plan Review, Formal Waiver Request, dated 11/23/20
- Draft Open Space Agreement, dated 11/23/20
- DEC and Natural Resources Board Project Review Sheet, date initiated 6/12/19
- Private Well Map, Natural Resources Atlas, VT ANR, dated 6/7/19
- Town of Shelburne Department Head project review sign off emails
- Preliminary Plan Review Application

- Three Jewels, LLC and Vermont Zen Center, Subdivision & Boundary Adjustment for PUD, Sheet No. 9, prepared by CEA, dated 10/22/20
- Three Jewels, LLC, Existing Conditions Site Plan, Sheet No. C1.0, prepared by CEA, dated 4/19/19
- Three Jewels, LLC, Proposed Conditions Site Plan, Sheet No. C1.1, prepared by CEA, dated 4/19/19
- Three Jewels, LLC, Proposed Utility Plan, Sheet No. C1.2, prepared by CEA, dated 4/19/19
- Three Jewels, LLC, Stormwater Management Plan, Sheet No. C1.3, prepared CEA, dated 10/28/20
- Three Jewels, LLC, Erosion Control Site Plan, Sheet No. C1.4, prepared by CEA, dated November 2019
- Three Jewels, LLC, Erosion Control Details and Specifications, Sheet No. C2.0, prepared by CEA, dated November 2019
- Three Jewels, LLC, Site and Utility Details, Sheet No. C2.1, prepared by CEA, dated November 2019
- Three Jewels, LLC, Site and Utility Details, Sheet No. C2.2, prepared by CEA, dated November 2019
- Three Jewels, LLC, Wastewater Details, Sheet No. C2.3, prepared by CEA, dated November 2019
- Three Jewels, LLC, Specifications, Sheet No. C3.0, prepared by CEA, dated 10/22/20
- Three Jewels, LLC, Specifications, Sheet No. C3.1, prepared by CEA, dated 10/22/20
- Three Jewels, LLC, Specifications, Sheet No. C3.2, prepared by CEA, dated 10/22/20
- Three Jewels, LLC, Specifications, Sheet No. C3.3, prepared by CEA, dated 10/22/20
- Three Jewels, LLC, Specifications, Sheet No. C3.4, prepared by CEA, dated 10/22/20
- Town of Shelburne Staff Report, dated 1/6/21

STAFF REPORT

The DRB received a written staff report on the application, dated 1/6/21. Dan Albrecht reviewed the proposed four lot PUD at 33 Thomas Road noting several waivers are requested. Issues to be addressed include the new driveway culvert, trees planted along the driveway, soil borings, paving and curbs, road width, fire pond, single occupancy travel, landscaping (needs to be shown on the plans), height of the houses (needs to be shown on the plans), location of the building lots and no cut zone (need to be shown on the plans). The landscape plan needs to be submitted.

APPLICANT COMMENTS

Chris Galipeau stated the driveway has been changed to a single drive to serve the proposed three houses. The amount of impervious surface has been reduced. Traffic flow is minimized and headlight shine onto neighboring properties is minimized. Jed Graft

said the proposal is designed to leave as much open space as possible, minimize the impact to the land, and minimize the impact to Thomas Road. The planned houses will be sold to Zen Center members.

Chris Galipeau explained the request for a waiver for the street trees in order to maintain the character of the area (open field which is currently hayed by a farmer). Jed Graft added a row of trees along the driveway will highlight that there is development. The street trees would change the character of the area.

There was discussion of Area A and the Zen Center having the ability to develop this at some point in the future if desired. Jed Graft said there are no plans at this time to develop this area. Area B will be transferred to the Zen Center for screening the small cottage.

Chris Galipeau said the culvert where the town wants it and the condition on the extraction of sand and gravel are fine. The buildings will be single family residences, not commercial buildings. The driveway will be gravel so there is no need for borings. There is a turnaround for fire trucks. The road width is 14' to the three small houses that are planned with a turnaround at the end. The road width is consistent with other similar projects. The drive will be pedestrian friendly. Residents will find opportunities to share driving to avoid single occupancy in vehicles. The fire pond is best suited where more residents can contribute, not just three houses. The applicant will work with the Fire Department on these issues. A street name will be submitted. Regarding landscaping, there is landscaping between Lot 1 and neighboring residences. Landscaping can be added toward the north end of the three lots which may be a good compromise to having street trees. Jed Graft noted the trees are outside the building envelopes on the lots. The lots are small in size.

Chris Galipeau said building heights and lighting will comply with the town's ordinances.

John Day said he would like to know more about the Fire Department recommendations on the fire pond. Chris Galipeau said the applicant will clarify the options with the Fire Department.

PUBLIC COMMENT

Elizabeth Bell and John Winston spoke in support of the project, but expressed concern about the placement of the community mound system and any potential impact on their well and water supply. Elizabeth Bell asked about buffer landscaping for Lot 2. Chris Galipeau addressed the wastewater system, noting the system is located where the best soils were found. Isolation distances were met and the design complies with the state's wastewater rules. Well logs show there is adequate water to supply the houses. Regarding landscaping, the plantings are a visual barrier for Lot 1. The project does have landscape requirements and the applicant will meet with the neighbors to discuss screening.

DELIBERATION/DECISION

Preliminary Plan, Four Lot PUD, 33 Thomas Road, Three Jewels, LLC (SUB19-04)

MOTION by Mark Sammut, SECOND by John Day, to take the following actions:

- **Table the waiver request on the road width until Final Plan Review.**
- **Table the waiver request on the fire pond pending further discussion with the Fire Department.**
- **Table the waiver request pertaining to emergency vehicle access until Final Plan Review.**
- **Approve the waiver request to eliminate the requirement for street trees along the driveway.**
- **Finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant (Three Jewels, LLC) to prepare a Final Plan Application for SUB19-04, application for a four lot PUD at 33 Thomas Road, with the following conditions:**
 1. **The applicant shall regularly maintain all stormwater treatment systems.**
 2. **The applicant shall proceed per approved plans except where modified to address conditions.**
 3. **The Final Plan Application shall include a site plan form.**
 4. **The Final Plan Application shall include materials relating to the proposal to amend the Zen Center PUD including a narrative and site plan/plat.**
 5. **The Final Plan Application shall include a proposed street name for the access.**
 6. **The Final Plan Application shall include details on any outdoor lighting.**
 7. **The applicant shall not remove any topsoil, sand or gravel beyond that required to meet construction needs of the subdivision.**

DISCUSSION:

- **John Day noted the letter just received from the Fire Department suggests a road width of 16', not 13'. Mark Sammut said the letter needs to be part of the record for Final Plan review.**

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

**6. DISCUSSION OF ON-THE-RECORD REVIEW AND ENFORCEMENT
MOTION by Mark Sammut, SECOND by Mike Major, to defer the discussion to the next meeting. VOTING by rollcall: unanimous (5-0); motion carried.**

7. OTHER BUSINESS/CORRESPONDENCE

None.

8. ADJOURNMENT

MOTION by Mark Sammut, SECOND by Mike Major, to adjourn the meeting.

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

The meeting was adjourned at 10 PM.

RScty by tape: MERiordan