

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**

**February 3, 2021**

**\*Meeting held by teleconference.**

**MEMBERS PRESENT:** David Hillman (Chair); Mark Sammut, Mike Major, John Day, Anne Bentley, Zeke Plante, Doug Griswold.  
**STAFF PRESENT:** Dean Pierce, Planning Director; Dan Albrecht, Acting DRB Coordinator.  
**OTHERS PRESENT:** Dave Marshall, John Rooney, Joyce George, David Webster, William Griffin, Matt Wheeler, Regina Limoge, Carol Carlson.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (1/20/21)
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Conditional Use\Site Plan, Veterinary Clinic, 140 Webster Road, J. Larry Williams, Sr. Family Trust (CU20-8\SP91-07R1)
  - Final Plan, Subdivision, Three Lots, 537 Thompson Road, Griffin (SUB19-11R2)
  - Site Plan, Nine Unit Residential Building Expansion, 4253 Shelburne Road, Limoge Wheeler Shelburne Road, LLC (SP99-09R1)
6. Discussion: On-The-Record Review and Enforcement
7. Other Business
8. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair, David Hillman, called the teleconference meeting to order at 7 PM, held rollcall, and explained the procedure to be followed.

**2. PUBLIC COMMENTS**

There were no comments at this time from the public.

**3. MINUTES**

*January 30, 2021*

**MOTION by John Day, SECOND by Mike Major, to approve the minutes of 1/20/21 as presented. VOTING by rollcall: unanimous (6-0)[Doug Griswold not present for vote]; motion carried.**

**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.

**CU20-08\SP91-07R1: Conditional Use\Site Plan for a veterinary clinic that involves a partial building demolition and reconstruction of a new single story facility on the same footprint at 140 Webster Road in the Mixed Use District and Stormwater Overlay District by J. Larry Williams, Sr. Family Trust**

John Rooney with JRMA Design Studio appeared on behalf of the application.

### Submittals:

- Memo from JRMA Design Studio re: Response to DRB Questions/Comments, dated 1/27/21
- Correspondence between Michael Koch, CEA, and Winn Wilson, Vermont DEC, dated 1/21/21 and 1/25/21
- Town of Shelburne Staff Memo, dated 1/28/21

### STAFF REPORT

The DRB received a staff memo on the application, dated 1/28/21. Staff reported the revised plans have been received and the applicant has addressed the identified issues. Public Works would like the plans to reflect the copper and cast-iron pipes.

### APPLICANT COMMENTS

John Rooney reviewed the items listed in his memo, dated 1/27/21, that addresses removing the back-up space out of the setback, location of the bike rack, expanding toward Shelburne Road to the west, being under the allowed lot coverage, parking, mitigating runoff, addition of windows on the new building, plantings for screening and landscaping, and a planting schedule. Deliveries to the building will mainly be by UPS, but once a month a large semi-truck will deliver to the site. The copper and cast-iron pipes can be shown on the plans.

Dan Albrecht suggested timbers be installed at the northeast and southeast corners of the gravel parking area to help contain the gravel.

Anne Bentley asked about the 30% requirement for glazing on the building and whether this applies to the new portion and the existing building as well. Dean Pierce explained the glazing requirement is not a factor in renovations, but does apply to new construction.

Doug Griswold asked if sewer allocation will be an issue. Dean Pierce said the sewer flows from the property south to Plant 2 so the site does not face the same issues as the property across the street.

John Day asked if the parking numbers meet the regulatory standards. Dean Pierce said staff is not highlighting parking as an issue. The parking appears to be adequate.

### 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 John Day, to finalize the record, close the hearing and direct staff to prepare a decision indicating Conditional Use and Site Plan approval for a veterinary clinic (CU20-08\SP91-07R1) at 140 Webster Road by the J. Larry Williams, Sr. Family Trust with the following conditions:**

1. The project shall be constructed in accordance with the plans listed within the document titled “Qi Veterinary Clinic” except as modified according to Condition #3 and #4.
2. The applicant shall create a landscaping escrow account prior to the issuance of a building permit.
3. The project shall conform to the Shelburne Public Works Specifications and changes to the project plans requested by the Public Works Department to gain conformance with the Specifications are allowed subject to approval of the relevant department head.
4. Prior to the issuance of a building permit the applicant shall respond to any unresolved comments provided by the Water Department, Wastewater Department, and Fire Department with respect to the project and such response must be deemed satisfactory by the respective department before a permit may be approved.
5. The applicant shall submit as-built drawings prior to filing for a Certificate of Occupancy.
6. The applicant shall regularly maintain all stormwater conveyance and treatment systems.
7. The cast-iron and copper water lines as referenced in the memo from Rick Lewis shall be identified on the plans prior to issuance of a zoning permit.

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

**SUB19-11R2: Final Plan for a three lot residential subdivision at 537 Thompson Road in the Residential District and Stormwater Overlay District by William and Christine Griffin**

Dave Marshall, CEA, and William Griffin, applicant, appeared on behalf of the application.

Submittals:

- Burlington Free Press notice, 1/17/21
- Shelburne DRB Notice of Public Hearing, 1/15/21
- Cover letter from Dave Marshall, dated 12/3/20
- Final Plan Review Application
- List of adjoiners
- General Application Form
- Submittal Requirement, 610 Final Plat, Major and Minor Subdivisions

- 537 Thompson Road Proposed Residential Subdivision Summary of Applicable Planning Standards
- Griffin Proposed 3-Lot Subdivision Review of Town Plan Housing Objectives
- Article IV: Residential District Code Compliance Review
- Draft Griffin Irrevocable Offer of Dedication Town of Shelburne
- Draft Pedestrian Easement Town of Shelburne
- Griffin Supplemental Report on Title Town of Shelburne
- Example warranty deed
- Griffin Subdivision Project Review Sheet
- Wastewater System and Potable Water Supply Permit Application
- Drawing No. C0, Overall Site Plan Griffin Property, CEA, Inc., 12/30/20
- Sheet P1, Christine G. Griffin Trust Revocable Trust, Proposed 3-Lot Subdivision, CEA, Inc., 9/29/20, Add Proposed Easements & Stormwater Management Areas, 12/30/20
- Drawing No. C1.0, Existing Conditions Site Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C2.0, Overall Proposed Conditions Site Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C2.1, Proposed Grading & Drainage Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C2.2, Proposed Stormwater Management Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C3.0, Proposed Utility Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C3.1, Proposed Wastewater Site Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C4.0, EPSC Site Plan, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C5.0, Site Details, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C5.1, Stormwater Details, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C5.2, Water and Sewer Details, Griffin Property, CEA, Inc., 12/30/20
- Drawing No. C5.3, Wastewater Details, Griffin Property, CEA, Inc., 12/30/20
- Memo from Shelburne Fire Department, Chief Ouimet, 1/5/21
- Memo from Shelburne Fire Department, Chief Ouimet, 10/9/20
- Memo to Chris Robinson from David Wheeler, dated 1/27/21
- Memo to Chris Robinson from David Wheeler, dated 9/23/20
- Review comments from Aaron Noble, Shelburne Police Chief, Rick Lewis, Shelburne Water Superintendent, Chris Robinson, Shelburne Wastewater Superintendent, Betsy Ceiplicki, Shelburne Parks & Rec Director, Lee Krohn, Shelburne Town Manager
- Email from Lee Krohn to Dave Marshall, William Griffin, Dana Hanley
- Review comments from Gail Albert, SNRCC, dated 9/9/20
- Town of Shelburne Staff Report, dated 2/3/21

STAFF REPORT

The DRB received a written staff report on the application, dated 2/3/21. Dan Albrecht reviewed the application for a three lot subdivision for single family houses to be served by private water and sewer. The DRB should inquire about the request that the landscaping requirement not apply and for an alternative to sidewalk.

#### APPLICANT COMMENTS

Dave Marshall stated the Final Plan is the same as the Preliminary Plan except the legal documents for easements are in place. Privacy fence will be installed along the LeBlanc property and as many existing trees will be retained as possible. The existing hedgerow and trees provide screening. The property owner is willing to provide an easement for pedestrian access at some point in the future. Regarding stormwater management, the state construction stormwater permit will be in place before construction begins.

#### PUBLIC COMMENT

David Webster, resident, asked about the setback for the building envelopes on the northern property border. David Marshall said the building envelope for Lot 3 is 35' from the property line and the building envelope for Lot 2 is 15' from the property line per the regulations. David Webster stated it is unacceptable that the onus is on the neighboring property owner to provide a buffer.

#### DELIBERATION/DECISION

Final Plan, Subdivision, Three Lots, 537 Thompson Road, Griffin (SUB19-11R2)

**MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of SUB19-11R2 for a three lot subdivision at 537 Thompson Road by the Christine Griffin Trust with the following conditions:**

- 1. The project shall be constructed in conformance with the approved plans.**
- 2. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of the particular subdivision or to meet the requirements of the Shelburne Zoning Bylaws.**
- 3. The applicant shall obtain authorization to work under General Permit 3-9020 for Construction Stormwater prior to seeking a zoning permit for the first building.**
- 4. The applicant will provide a copy of the state Water Supply and Wastewater Disposal Permit prior to seeking a zoning permit for the first building.**
- 5. The applicant shall regularly maintain all stormwater conveyance and treatment systems including level spreaders and simple disconnection areas. Vegetated filter strips shall be planted at such a density to achieve a 90% grass/herbaceous cover after the second growing season. The filter strip vegetation may consist of turf grasses, meadow grasses, other herbaceous plants, shrubs, and trees as long as the primary goal of at least 90% coverage with grasses or other herbaceous plants is achieved. Level spreaders shall be designed and installed level (uniform 0% slope) and straight to convex in plain view. The level spreader lip shall be placed three to six inches above the downstream natural grade elevation to avoid blockage due to turf buildup.**
- 6. The applicant offered to provide an easement for pedestrian access.**

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

**SP99-09R1: Site Plan for a nine unit residential expansion and related site improvements to the east of the existing five unit apartment building at 4253 Shelburne Road in the Mixed Use District, Residential District, Stormwater Overlay District, and Special Flood Hazard Area Overlay District by Limoge Wheeler Shelburne Road, LLC**

Dave Marshall with CEA and applicants, Matt Wheeler and Regina Limoge, appeared on behalf of the application.

Submittals:

- Burlington Free Press notice, 1/17/21
- Shelburne DRB Notice of Public Hearing
- Notice of Application
- Cover letter from CEA, dated 12/7/20
- General Application
- Site Plan Review Application
- Compliance documentation from Light/Space/Design, dated 12/7/20
- Plan #F-599, Bruinier & Associates
- Sheet A.01 Site Landscape prepared by Landshapes, dated 11/7/20
- Estimate: Residential Expansion and Screen Plantings prepared by Landshapes, 12/1/20
- Adjoiner list
- Letter of Intent, Existing Access, Shelburne, US7, L.S. 0156+81 RT, Vermont AOT, dated 11/4/20
- Sheet C2.1, Proposed Grading and Drainage Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C4.0, Site Details, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated “Progress Plans, 9920”
- Standard B-71B, Commercial Drives, VTrans, dated 4/7/20
- Letter of Intent, Emergency Access, Shelburne, US7, L.S. 0157+60 RT, Vermont AOT, dated 11/4/20
- Standard B-71A, Residential Drives, VTrans, dated 4/7/20
- Summary of Conformance with Basic Criteria
- Excerpts from ITE Trip Generation Manual 10<sup>th</sup> Edition, Volume 2: Data, Residential (Land Uses 200-299), pages 29-30
- Excerpts from ITE Trip Generation Manual 10<sup>th</sup> Edition, Volume 2: Data, Residential (Land Uses 200-299), four charts detailing multi-family housing (low rise) (220) vehicle tripends v dwelling units
- Stormwater Treatment Summary, dated 12/5/20
- USDA Soil Report: cover page plus nine pages
- Sand Filter Worksheet: cover page plus two pages
- Hydrocad Modeling: cover page plus 11 pages, dated 11/25/20
- Plans: cover page

- Sheet SW1, Existing Hydrology Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Sheet SW2, Proposed Hydrology Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Sheet SW3, Post Construction Soil Depth and Quality Test Hole Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Sheet SW4, Annotated Stormwater Maintenance Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Sheet C1.0, Existing Conditions Site Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C4.4, Stormwater Details, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Sheet C4.5, Stormwater Details, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Email conversation between Winn Wilson, VT Dec Stormwater Program and Michael Koch, CEA, re: 4253 Shelburne Road, dated 11/10/20 and 11/9/20
- Sheet C2.0, Overall Propose Site Conditions Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C2.1, Proposed Grading and Drainage Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C2.2, Proposed utility Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C2.3, Proposed Lighting Plan, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 9/11/20
- Sheet C3.0, ESPC Site Plan, Limoge Wheeler Shelburne Road, LLC prepared by CEA, 9/11/20
- Sheet C4.3, Utility Details, Limoge Wheeler Shelburne Road, LLC, prepared by CEA, dated 11/30/20
- Estimate: Residential Expansion and Screen Plantings, revised, prepared by Landshapes, dated 1/20/21
- Sheet A.01, Site Landscape, revised, prepared by Landshapes, dated 1/20/21
- Memo to Town of Shelburne from Dave Wheeler, South Burlington Stormwater Services, dated 1/27/21
- Town of Shelburne Staff Report, dated 2/3/21

#### STAFF REPORT

The DRB received a written staff report on the application, dated 2/3/21. Dan Albrecht reviewed the proposal for a nine unit residential expansion. Further discussion is needed on whether the proposal is an expansion of a single building or two structures that are connected. Information is also needed on bike storage, landscape budget, and the curb cut for fire access. Dean Pierce noted Chris Robinson is requesting a condition on a manhole connection.

#### APPLICANT COMMENTS

Dave Marshall reviewed the addition of nine residential units in a building with a solid connection to the existing apartment building at 4253 Shelburne Road. An emergency access road, sidewalk, and community garden space are shown on the plans. The nine additional units will be two story townhouse type housing. The proposed layout of the project proposes to protect the historical context of the existing structure, maintain window exposure in the existing building, and adds the townhouse units. The proposal meets the requirements of the town's zoning regulations and does not lend itself to being a PUD.

There was continued discussion of whether the proposal is one building or two buildings. It was noted there are no town regulations that address the connection between structures. The DRB felt the question to be clarified in the regulations is how much of a connection between structures is a connection. More information is needed on other attached dwelling properties in town. The DRB felt the Planning Commission should provide input on the matter. Dan Albrecht asked if the proposal is the only orientation that works. Dean Pierce explained variances would be needed in order to do the project as a PUD. Mark Sammut mentioned seeing the language in form based code for this type of proposal would be interesting. Matt Wheeler noted the property drops off at the back so the additional units will not be seen from Shelburne Road.

#### PUBLIC COMMENT

Carol Carlson, neighbor in the PUD to the north of the project, asked if the existing buffer will remain between the properties and if there will be impact on the open space. Matt Wheeler said the screening to the north is a thick hedgerow. The plan is to trim back half the width and leave the rest.

#### DELIBERATION/DECISION

Site Plan, Nine Unit Residential Building Expansion, 4253 Shelburne Road, Limoge Wheeler Shelburne Road, LLC (SP99-09R1)

**MOTION by Zeke Plante, SECOND by Mark Sammut, to continue the hearing on SP99-09R1 for a nine unit residential building expansion at 4253 Shelburne Road by Limoge Wheeler Shelburne Road, LLC until 2/17/21 pending further information on precedent, additional curb cut for fire access, and the PUD buffer. VOTING by rollcall: unanimous (7-0); motion carried.**

#### 6. DISCUSSION: On-the-Record and Enforcement

There was discussion of the benefit of on-the-record review being that more information is gathered on each application at the onset which could save the town money in an appeal, but unless the town is willing to provide the legal resources to the DRB to produce proper on-the-record documentation for the court the judge in an appeal will likely say the town does not have the evidence so the court hearing will be de novo. The Selectboard will be discussing on-the-record review at the next Selectboard meeting and should a decision be made to end on-the-record review and MAPA the same documentation will be done for DRB meetings (i.e. minutes, staff reports, written decisions). DRB members will submit their viewpoint to the Selectboard and Town Manager.



**7. OTHER BUSINESS/CORRESPONDENCE**

None.

**8. ADJOURNMENT**

**MOTION by Mike Major, SECOND by Doug Griswold, to adjourn the meeting.**

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

The meeting was adjourned at 9:39 PM.

*RScty by tape: MERiordan*