

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 6, 2019**

MEMBERS PRESENT: Jeff Pauza (Chair); Mark Sammut, John Day, Doug Griswold. (David Hillman, Lauren Giannullo, Norm Blais were absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator; John Goodrich, Deputy Fire Chief.

OTHERS PRESENT: Brian Precourt, Lee Suskin, Ken Albert, Bart Frisbie, Andy Rowe, Becky Castle, Normand Stanisles, A.J. LaRosa, Diane McCarthy, Clint West, Joe Unser.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (1/16/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use\Site Plan\Design Review, Expand Church, 92 Church Street, St. Catherine of Siena Parish (CU17-04R1\SP17-02R1\DR18-19)
 - Boundary Line Adjustment, 7041 and 7043 Spear Street, Irish (BLA19-01)
 - Final Plan, Residential PUD, 91 Units, 5760 Spear Street, The Snyder Group (SUB16-02)
 - Sketch Plan, Subdivision, Two Lots, 120 Graham Way and Sage Court, Shelburne Green, LLC (SUB13-02R4)
 - Preliminary Plan\Site Plan, Modify Conditions of Approval, 120 Graham Way (formally 6221 Shelburne Road), Shelburne Green, LLC (SUB13-02R3)
 - Amendment, Approval Condition, Subdivision, 4947 Spear Street, Bob Clark (SUB00-7R2)
 - Final Plan, Merge Two Parcels, 2916 Shelburne Road, West (FBZ17-01R1)
 - Final Plan, Subdivision, Three Lots, 82 Mount Philo Road, Sterling Land Company (Sub18-02)
6. Other Business
7. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

Chair Jeff Pauza called the meeting to order at 7 PM. There were no announcements.

2. PUBLIC COMMENTS

There were no comments from the public at this time.

3. APPROVAL OF MINUTES

January 16, 2019

MOTION by John Day, SECOND by Mark Sammut, to approve the minutes of 1/16/19 with the addition of Clark Hinsdale to the attendees. VOTING: unanimous (4-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

- Mark Sammut disclosed work done by his employer for St. Catherine of Siena Parish in the past.
- John Day and Jeff Pauza announced they will recuse themselves for the Shelburne Green application. As a result of the recusals there will not be a quorum to hear the application.
- John Day said he is a client of Clint West, but does not feel that will impact his ability to make a decision on the application.

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.

CU17-04R1\SP17-02R1\DR18-19: Conditional Use\Site Plan\Design Review to expand an existing church at 92 Church Street in the Village Center District, Village Core Overlay District, Village Design Review District, and Stormwater Overlay District by St. Catherine of Siena Parish

Brian Precourt appeared on behalf of the application.

Submittals:

There were no new submittals.

STAFF REPORT

The DRB previously received a written staff report on the application, dated 1/16/19.

APPLICANT COMMENTS

The applicant made no additional comments.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Expand Church, 92 Church Street, St. Catherine of Siena Parish (CU17-04R1\SP17-02R1\DR18-19)

MOTION by Jeff Pauza, SECOND by John Day, to finalize the record and close the hearing on the application to expand the existing church at 92 Church Street by St. Catherine of Siena Parish. (CU17-04R1\SP17-02R1\DR18-19). VOTING: unanimous (4-0); motion carried.

MOTION by Jeff Pauza, SECOND by Mark Sammut, to direct staff to draft a decision indicating approval of the application to expand an existing church at 92 Church Street by St. Catherine of Siena Parish with the following conditions:

- 1. A zoning permit shall be required prior to any land development.**
- 2. The applicant must provide a report on information pertaining to the historic nature of the parish hall building as identified.**
- 3. The sidewalk proposed on Falls Road must be built according to Shelburne Public Works Specifications.**
- 4. The applicant must provide a two year landscaping bond or irrevocable letter of credit for proposed landscaping as well as a landscape plan with the application for a zoning permit.**

VOTING: unanimous (4-0); motion carried.

BLA19-01: Boundary Line Adjustment between 7041 and 7043 Spear Street by Lloyd Irish

MOTION by Mark Sammut, SECOND by John Day, to continue BLA19-01 by Lloyd Irish for property at 7041 and 7043 Spear Street to 3/20/19 per the applicant's request. VOTING: unanimous (4-0); motion carried.

SUB16-02: Final Plan for a 91 unit Residential Planned Unit Development at 5760 Spear Street in the Residential District, Stormwater Overlay District, Floodplain and Watercourse Overlay District by The Snyder Group, Inc.

No one appeared on behalf of the application.

STAFF REPORT

The DRB received a staff memo on the application, dated 1/31/19.

APPLICANT COMMENTS

None.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Residential PUD, 91 Units, 5760 Spear Street, The Snyder Group (SUB16-02) MOTION by Mark Sammut, SECOND by John Day, to continue The Snyder Group application, SUB16-02, for a 91 unit Residential PUD at 5760 Spear Street to 2/20/19. VOTING: unanimous (4-0); motion carried.

SUB13-02R4: Sketch Plan, Subdivision, Two Lots, 120 Graham Way and Sage Court, Shelburne Green, LLC

SUB13-02R3: Preliminary Plan\Site Plan, Modify Conditions of Approval, 120 Graham Way, Shelburne Green, LLC

With the recusal of John Day and Jeff Pauza there would not be a quorum to hear the applications. The hearings were moved to 2/20/19.

SUB00-7R2: Amendment, Approval Condition, 4947 Spear Street, Bob Clark

Bob Clark, Becky Castle, and A.J. LaRosa appeared on behalf of the application.

Submittals:

None.

STAFF REPORT

Ravi Venkataraman explained the request is to amend the previous approval of the Final Plan relative to Lot 1. Staff feels without a regulatory change it would be ideal to restrict the lot to a single family residence and agricultural uses.

APPLICANT COMMENTS

Attorney LaRosa stated the subdivision was approved and the goal was to keep the 75 acre lot as residential with ag uses to avoid subdividing into track housing. Since 2000 there have been regulatory changes and it is impossible to have a single family dwelling and ag uses on the same lot which is then considered a mixed use development making financing and insurance very difficult. The proposal is to draw a boundary around six acres for the single family house and limit the density to a single family house, farm worker dwelling, and ag uses on the land.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Amendment, Approval Condition, 4947 Spear Street, Bob Clark (SUB00-7R2)

MOTION by Jeff Pauza, SECOND by John Day, to finalize the record and close the hearing on the amendment to the approval condition for SUB00-7R2 at 4947 Spear Street by Bob Clark. VOTING: unanimous (4-0); motion carried.

The DRB will deliberate the application.

FBZ17-01R1: Final Plan to merge two adjacent parcels at 2916 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Clint West

Clint West appeared on behalf of the application.

Submittal:

- Cover letter prepared by Civil Engineering Associates, Inc., received 12/11/18
- Final Plan Review Application, received 12/11/18
- Plat of Survey and Lot Merger, received 12/11/81
- Shelburne Staff Report, dated 2/6/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/6/19. Ravi Venkataraman said the applicant did not file the Mylar within 180 days as required so re-approval is needed.

APPLICANT COMMENTS

None.

DELIBERATION/DECISION

Final Plan, Lot Merger, 2916 Shelburne Road, Clint West (FBZ17-01R1)

MOTION by Jeff Pauza, SECOND by Mark Sammut, to finalize the record and close the hearing on FBZ17-01R1, two lot merger at 2916 Shelburne Road by Clint West, and direct staff to prepare a decision to indicate approval of the Final Plan Application prepared by Civil Engineering Associates, Inc. on behalf of Clint West with the following conditions:

- 1. The Mylar must be recorded within 180 days of the signed approval of the decision pursuant to Shelburne Subdivision Regulations, Section 1050.**
- 2. A zoning permit is required prior to any land development pursuant to the Shelburne Zoning Bylaws, Section 2010.1 and the Shelburne Subdivision Regulations, Section 1120.**
- 3. Pursuant to Section 730, prior to the issuance of a zoning permit the applicant is required to notify the Town Manager when the construction of the required improvements shall begin so that the town can inspect during the construction process in order to assure satisfactory completion of improvements or stipulations required by the DRB.**
- 4. Upon completion of the required work the engineer providing construction observations and inspections for the work shall certify to the town in writing that the work is complete in accordance with the approved plans prior to the issuance of a Certificate of Occupancy pursuant to the Shelburne Subdivision Regulations, Section 1140.**
- 5. Prior to the issuance of a zoning permit the developer is responsible for informing the Town Manager's Office of the name of the contractor who will be responsible for onsite installations, observations, and inspections for the erosion prevention and sediment control work as specified in Section 1145 of the Shelburne Subdivision Regulations.**
- 6. Conditions pertaining to the Conditional Use and Site Plan approval of FBZ17-01 (Conditions 3, 5, 6) still apply pursuant to the Shelburne Zoning Bylaws, Sections 1900.5 and 1975.**

VOTING: unanimous (4-0); motion carried.

SUB18-02: Final Plan Review for a proposed three lot subdivision at 82 Mount Philo Road in the Residential District and Stormwater Overlay District by The Sterling Land Company, LLC

Andy Rowe with Lamoureux & Dickinson and Bart Frisbie with Sterling Land Company appeared on behalf of the application.

Submittals:

- Cover letter prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 12/19/18 and received 12/20/19
- General Application Form, received 12/20/18
- Final Plan Review Application, received 12/20/18

- Location maps showing similar residential subdivisions in the project vicinity, received 12/20/18
- Photos of properties similar to the proposal, received 12/20/18
- Stormwater Narrative prepared by Lamoureux & Dickinson Consulting Engineers, Inc., received 12/20/18.
- Comments from town departments pursuant to Shelburne Subdivision Regulations, Section 610(13), received 12/20/18
- Site Plans, received 12/20/18
- Shelburne Staff Report, dated 2/6/19

STAFF REPORT

The DRB received a written staff report on the application, dated 2/6/19. Ravi Venkataraman said following the site visit the DRB recommended redesigning the proposal to show two lots rather than three lots. The applicant chose not to do the redesign.

APPLICANT COMMENTS

Andy Rowe reviewed the site with the existing single family house on the front lot and the subdivided two lots in the back. The Fire Department approved the access to the back lots. The lots will be served by municipal sewer and water. Trees will be preserved. Storm water management is onsite.

PUBLIC COMMENT

The resident at 20 Bacon Drive expressed concern about more storm water runoff coming from the driveway and onto his property. The proposed development will add to this problem. Andy Rowe explained the storm water management to handle storm water (driveway is elevated and tipped to the north; runoff is directed into a swale). There is a grass ditch along the side of the driveway and Mount Philo Road is now crowned. Mark Sammut asked Andy Rowe to confirm that the plan can be executed as shown to not have an increase in water going across to the east side of Mount Philo Road, and that the existing and proposed contours of Lots 2 and 3 will intercept water coming across Lot 1 and direct the flow to the storm water system. Andy Rowe confirmed this. It was noted water has not been seen overlapping the ditch onto Mount Philo Road.

Jeff Pauza asked if there is anything that can be done to slow the storm water before the water gets to Mount Philo Road. Andy Rowe said a dip can be done through the driveway apron. The storm water system is designed for the 25 year storm. John Day observed the applicant is willing to modify the grade as shown to ensure there will not be water from the driveway crossing Mount Philo Road with a 25 year storm.

Ken Albert, resident, asked about the 25 year storm threshold still being relevant. Andy Rowe said the 25 year storm is the town standard.

DELIBERATION/DECISION

Final Plan, Three Lot Subdivision, 82 Mount Philo Road, Sterling Land Company (SUB18-02)

MOTION by Jeff Pauza, SECOND by Mark Sammut, to finalize the record and close the hearing on SUB18-02 for a three lot subdivision at 82 Mount Philo Road by The Sterling Land Company, LLC. VOTING: unanimous (4-0); motion carried.

The DRB will deliberate the application.

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by John Day, SECOND by Mark Sammut, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 7:54 PM.

RScty: MERiordan