

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 19, 2020**

MEMBERS PRESENT: David Hillman (Chair); Mark Sammut, Mike Major, Doug Griswold, Robert “Zeke” Plante, Allyson Myers, John Day. (Anne Bentley was absent.)
STAFF PRESENT: Dean Pierce, Director of Planning.
OTHERS PRESENT: Diane Olechna, Dennis Olechna, Chris and Tamara Fischer, Scott Gardner, Jason Barnard

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (2/5/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Boundary Line Adjustment, 3685 and 3689 Harbor Road, Gignoux Revocable Trust/Demers (BLA20-01)
 - Sketch Plan, Subdivision, Three Lots, 1036 & 1056 Falls Road, Gardner (SUB16-01R3)
 - Sketch Plan, Subdivision, Two Lots, 6529 Spear Street, Dwyer (SUB20-01)
 - Boundary Line Adjustment, 165 and 175 Lakeview Drive, Fischer/Millar (BLA20-02)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, David Hillman, called the meeting to order at 7 PM

2. PUBLIC COMMENTS

There were no comments at this time from the public.

3. MINUTES

February 5, 2020

MOTION by Mike Major, SECOND by Doug Griswold, to approve the minutes of 2/5/20 as presented. VOTING: 6 ayes, one abstention (John Day); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Dean Pierce clarified his sworn testimony would not be as a party in the event the document(s) being referenced may be one he wrote or references something he said.

Chairman Hillman asked those present 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.

BLA20-01: Boundary Line Adjustment between two adjacent parcels at 3685 Harbor Road and 3689 Harbor Road in the Rural District, Lakeshore Overlay District, and Floodplain and Watercourse Overlay District by Gignoux Revocable Trust/Demers

MOTION by Mark Sammut, SECOND by John Day, to continue the application for a boundary line adjustment (BLA20-01) on Harbor Road by Gignoux/Demers until 3/4/20 per the request of the applicant. VOTING: unanimous (7-0); motion carried.

SUB16-01R3: Sketch Plan for a three lot re-subdivision at 1036 and 1056 Falls Road in the Shelburne Falls Mixed Use District, Village Design Review Overlay District, and Stormwater Overlay District by Scott Gardner

Scott Gardner appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 1/23/20
- Site Plan prepared by JRMA Design Studio, “Revised 01.21.2020” and received 1/23/20
- Town of Shelburne Staff Report, dated 2/19/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/19/20. Minor typographical errors were corrected. Dean Pierce explained the re-subdivision creates three lots and is a Minor Subdivision. Shelburne Historic Preservation & Design Review Committee approval is needed and a landscape plan must be submitted.

APPLICANT COMMENTS

Scott Gardner said there are three existing lots today. A driveway is being eliminated. There is a building envelope shown on Lot 4, but the boundary lines are being moved so there will be one driveway serving three lots. The existing structure on Lot 1 will be replaced. The Fire Chief wanted the driveway widened which can be done, but what is proposed does accommodate the town’s fire trucks. Input from other town committees per the regulations has been gathered and the two adjacent neighbors have been notified of the proposal.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Re-Subdivision, Three Lots, 1036 & 1056 Falls Road, Scott Gardner (SUB16-01R3)

MOTION by John Day, SECOND by Robert Plante, to classify SUB16-01R3 as a Minor Subdivision, finalize the record, close the hearing, and direct staff to prepare

a decision authorizing the applicant to prepare a Final Plan Review Application with the following recommendations:

- 1. The applicant must include evidence indicating the proposal has received a recommendation from Shelburne Historic Preservation & Design Review Committee.**
- 2. The application must include a landscaping plan showing hardwood shade trees on both sides of the private access drive.**

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

SUB20-01: Sketch Plan Review for a two lot subdivision at 6529 Spear Street in the Residential District and Stormwater Overlay District by Kevin Dwyer

Jason Barnard with Barnard & Gervais, LLC appeared on behalf of the application.

Submittals:

- Cover letter from Scott Baker, Barnard & Gervais, LLC, dated 1/10/20 and received 1/13/20
- Sketch Plan Review Application, received 1/13/20
- Attachment “A” Sketch Plan Review Application Information
- Attachment “B” Sketch Plan Review Checklist
- Email addressing Section 300(13) of Shelburne Subdivision Sketch Plan Application requirements
- Sketch Plan, dated 1/7/20 and received 1/13/20
- Copy of “Agreement Regarding Sewer Line” recorded in the Shelburne land records (v455p468)
- Town of Shelburne Staff Report, dated 2/19/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/19/20. Dean Pierce reviewed the application for a two lot subdivision with the existing residence on 3.79 acres and the newly created residential lot being 1.76 acres.

APPLICANT COMMENTS

Jason Barnard said the existing residence has a private sewer system. Lot 2 in the subdivision will be 1.76 acres and have a separate access off Spear Street. The sewer easement on Lot 1 is for Lot 2 to connect to the existing sewer line. Another well will be drilled for Lot 2. The new house will be in the same street line as the existing house.

There was discussion of forming a sewer association for the shared sewer line. Dean Pierce said the town could, as it has apparently done in another area, send a letter to the users of the line urging them to form an association. John Day said assurance is needed that the town will not end up covering expenses associated with the shared line. Dean Pierce said the land records show forming an association was contemplated by the property owner in the past.

PUBLIC COMMENT

Diane Olechna, neighbor, asked about the number of houses that can be served by the sewer line and said help is needed in moving forward with forming an association. Jason Barnard said the 8” line can handle more than the number of houses on the line today. Diane Olechna said the existing house is an historical site (part of the Maeck Farm) and is the second oldest house in Shelburne. Consideration should be given to the type of house to be built and the proximity to the historic structure. Also, there is ledge so blasting will be necessary. The neighbors have already been dealing with blasting from the Kirkpatrick development. Diane Olechna noted there is a wildlife corridor where the house is proposed. Dean Pierce said the applicant must get letters from town departments and committees including the Natural Resources Committee which will look at natural resources and wildlife.

Dennis Olechna, neighbor, recalled when they purchased their property it was thought the surrounding parcels could not be subdivided so the development by Kirkpatrick was a surprise. Section 5 of the title for Lot 18 (Olechna lot) talks about protective covenants and restrictions and the “location of a no build site area”. There could be similar language in the titles for the other lots. Dean Pierce said no evidence was found of restrictions on the subdivision of the Dwyer lot. Also, the town does not enforce covenants in a deed. Jason Barnard added research of the deed showed the lot is not part of the Maeck Farm and there are no restrictions on the Dwyer parcel. This information can be verified.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 6529 Spear Street, Dwyer (SUB20-01)

MOTION by Mark Sammut, SECOND by Doug Griswold, to classify SUB20-01 as a Minor Subdivision, finalize the record, close the hearing, and authorize the applicant to prepare a Final Plan Application with the recommendation that comments from the appropriate town “departments” be gathered as required by Section 600(28) of the regulations. VOTING: unanimous (7-0); motion carried.

BLA20-02: Boundary Line Adjustment between two adjacent parcels at 165 and 175 Lakeview Drive in the Mixed Use District and Stormwater Overlay District by Fischer/Millar

Christopher Fischer appeared on behalf of the application.

Submittals:

- Boundary Line Adjustment Application, received 1/16/20
- Boundary Line Adjustment Survey, received 1/16/20
- Shelburne Staff Report, dated 2/19/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/19/20. Dean Pierce said the applicant must record the survey in the Shelburne land records within 180 days of the approval. The boundary line adjustment will allow one party to build an addition for an accessory apartment and have the building addition comply with the side yard setback.

APPLICANT COMMENTS

Christopher Fischer said with the small boundary adjustment a garage with an accessory dwelling above can be built. The boundary line adjustment is needed to meet the setbacks. The neighbor agreed to do the adjustment. No road frontage will be removed and the larger lot is still conforming.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 165 and 175 Lakeview Drive, Fischer/Millar (BLA20-02)

MOTION by Mike Major, SECOND by John Day, to finalize the record, close the hearing, and direct staff to indicate approval of the Boundary Line Adjustment Application, BLA20-02, for 165 and 175 Lakeview Drive by Christopher Fischer and Richard Millar as prepared by Warren Robenstein, LS with the condition the mylar of the plat shall be recorded within 180 days of the approval pursuant to Shelburne Subdivision Regulations, Section 1030. VOTING: unanimous (7-0); motion carried.

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 (7-0); motion carried.

The meeting was adjourned at 7:50 PM.

RScty: MERiordan