

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
May 1, 2019**

MEMBERS PRESENT: Jeff Pauza (Chair); David Hillman, Mark Sammut, Doug Griswold, John Day, Mike Major, Anne Bentley.
STAFF PRESENT: Ravi Venkataraman, DRB Administrator.
OTHERS PRESENT: Gail Albert, Ken Albert, Dave Marshall, Sean Toohey, Maureen Mindell, Ann Mindell, Faith Rushford, Andrea Dotolo

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (4/16/19, 4/17/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Design Review, Building Addition, 196 Shelburnewood Drive, Winter/Mueller (DR19-04)
 - Final Plan, Relocate Driveway, 4188 Shelburne Road, Rice Lumber Co., LLC (SUB15-05R2)
 - Sketch Plan, Subdivision, Two Lots, 1 Nashville Road, Laurie and Mark Kotorman (SUB19-03)
 - Preliminary Plan, Subdivision, Two Lots, 120 Graham Way/Sage Court, Shelburne Green, LLC (SUB13-02R4)
 - Conditional Use, Accessory Apartment, 164 Pierson Drive, Mindell/Toohey (CU19-06)
 - Final Plan, Expand Conditional Use, 3328 Shelburne Road, The Automaster (SUB12-07R4)
6. Other Business
7. Adjournment

1. CALL TO ORDER and ANNOUNCEMENT

Chair Jeff Pauza called the meeting to order at 7 PM.

2. PUBLIC COMMENTS

There were no comments from the public at this time.

3. MINUTES

April 16, 2019 – Site Visit

MOTION by John Day, SECOND by Mike Major, to approve the 4/16/19 minutes as presented. VOTING: 4 ayes, 1 abstention (Doug Griswold); motion carried.

April 17, 2019

MOTION by John Day, SECOND by Doug Griswold, to approve the 4/17/19 minutes with the revision to the vote on the Burriss appeal to reflect Norm Blas as voting “nay”. VOTING: unanimous (7-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

- Mark Sammut will recuse for the Rice Lumber application
- Jeff Pauza and John Day explained they do not have a reason to recuse from the Shelburne Green application currently before the DRB.

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.

DR19-04: Design Review for a 24 s.f. addition to a previously approved Vermod dwelling unit at 196 Shelburnewood Drive in the Village Center District, Village Design Review Overlay, and Stormwater Overlay District by Matthew Winter and Aisha Mueller

Matt Winter appeared on behalf of the application.

Submittals:

- Historic Preservation and Design Review Application, received 4/15/19
- List of property abutters
- Rendering of original Vermod design and original footprint
- Rendering of proposed Vermod design with 6’x 4’ closet addition and proposed footprint
- Town of Shelburne Staff Report, dated 5/1/19

STAFF REPORT

The DRB received a written staff report on the application, dated 5/1/19. Ravi Venkataraman explained the application is modification of a previously approved design review application for a mobile home. The applicant is squaring off the back of the mobile home with the 6’x 4’ addition.

APPLICANT COMMENTS

Matt Winter explained the addition is more of a closet, will not be insulated and will be used for storage of garden tools and bikes.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Addition to Mobile Home, 196 Shelburnewood Drive, Winter/Mueller (DR19-04)

MOTION by Doug Griswold, SECOND by Mike Major, to grant design review approval for a 6'x 4' addition to the northwest corner of the Vermod dwelling at 196 Shelburnewood Drive by Matthew Winter and Aisha Mueller with the condition a zoning permit is required prior to the commencement of construction. VOTING: unanimous (7-0); motion carried.

SUB15-05R2: Final Plan Amendment to relocate a residential driveway at 4188 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Rice Lumber, LLC

Dave Marshall, CEA, appeared on behalf of the application. Mark Sammut recused himself.

Submittals:

- Comments from Shelburne Fire Chief Ouimet, dated 4/22/19
- Letter from David Marshall, CEA, to Shelburne Fire Chief Ouimet re: response to comments, dated and received 4/23/19
- Annotations and comments from David Marshall, CEA, on NFPA1, Part II, Chapter 18 “Fire Department Access and Water Supply”, received 4/23/19
- Drawings
- Shelburne Public Works Specifications, Section 3, annotated by staff
- Town of Shelburne Staff Memo, dated 4/25/19

STAFF REPORT

The DRB received a memorandum from staff on the application, dated 4/25/19. Ravi Venkataraman said the Final Plan amendment is to relocate an existing driveway. The Fire Dept. had concern about the slope, safety, and access. A response from the Fire Department to the applicant’s response to the Fire Department’s comments has not yet been received.

APPLICANT COMMENTS

Dave Marshall explained the prior approval of the development shows the existing grade on the access road is 8.5%. The grade of the road to the residential lots is 8.5% to 10.5%. There is an approved gate at the top of the access road to Rice Lumber. Following further consideration over time it was felt separating the residential drive from the commercial drive with a dedicated driveway would be best. The recommendations of NFPA1 for site access have been followed and a balance between public safety and public health and welfare was sought. A 20’ wide minimum road standard was followed (the Fire Department requested the road be 24’ wide). There are pull off areas. The grade of the revised driveway location is slightly less steep (9.6% rather than 10.5%).

John Day pointed out the applicant can operate under the prior approval.

David Hillman noted NFPA1 standards are adopted by the state.

Doug Griswold asked about the slope by the driveways. Dave Marshall estimated the slope to be in the 5% range.

Mike Major asked who maintains the road. Dave Marshall answered the homeowners. The road is private. John Day observed with a private road it could be argued the public works standards do not apply. Dave Marshall said the road is still subject to subdivision rules.

Doug Griswold asked if there is precedent of the Fire Dept. having input on driveways. Ravi Venkataraman said the DRB previously ruled the driveway is a driveway and not a Type 1 or 2 road, and the regulations state all roads, public and private, must meet Section 3 of the Public Works Specifications because the town may take over the road at some point in the future. John Day added there is a binding decision saying the road must be 14' wide unless the DRB modifies that condition. Doug Griswold asked how 'must have' items from the Fire Dept. are included. Jeff Pauza said the town has a requirement on road grades. If the Fire Dept. feels the requirement is inappropriate then the Fire Dept. needs to get that changed.

Jeff Pauza asked if the road and driveway meet Vermont standards. Dave Marshall confirmed this.

Anne Bentley mentioned the name of the road and lane is confusing. Dave Marshall agreed. The name must work with Emergency 911.

John Day commented the new plan is compliant and appears safer than the previously approved plan.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan Amendment, Relocate Residential Driveway, 4188 Shelburne Road, Rice Lumber Co., LLC (SUB15-05R2)

MOTION by John Day, SECOND by David Hillman, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of the Final Plan amendment (SUB15-05R2) to relocate a residential driveway at 4188 Shelburne Road by Rice Lumber Co. subject to the following conditions:

- 1. The mylar must be recorded within 180 days of the signed approval pursuant to the Shelburne Subdivision Regulations, Section 1050.**
- 2. A zoning permit is required prior to any land development pursuant to Shelburne zoning bylaws, Section 2010.1, and Shelburne Subdivision Regulations, Section 1120.**

VOTING: unanimous (6-0); motion carried.

Mark Sammut returned to the DRB.

SUB19-03: Sketch Plan for a two lot subdivision at 1 Nashville Road in the Residential District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by Laurie and Mark Kotorman

MOTION by Doug Griswold, SECOND by Mark Sammut, to continue the Kotorman application for a two lot subdivision at 1 Nashville Road (SUB19-03) to June 5, 2019. VOTING: unanimous (7-0); motion carried.

SUB13-02R4: Preliminary Plan for a proposed two lot subdivision at 120 Graham Way and Sage Court in the Commerce and Industry South District and Stormwater Overlay District by Shelburne Green, LLC

Dave Marshall, CEA, appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, dated and received 12/11/18
- General Application Form, received 12/11/18
- Sketch Plan Review Application, received 12/11/18
- Overall Site Plan, received 12/11/18
- Staff Report prepared for the January 16, 2019 DRB meeting
- Cover letter prepared by Civil Engineering Associates, received 3/26/19
- Preliminary Plan Review Application, received 3/26/19
- Comments from town departments pursuant to Shelburne Subdivision Regulations, Section 600(28)
- Proposed Conditions Survey Drawing (Drawing Number P-1)
- Town of Shelburne Staff Report, dated 5/1/19

STAFF REPORT

The DRB received a written staff report on the application, dated 5/1/19. Ravi Venkataraman said the application is to create Lot 1 of 6.7 acres and Lot 2 of 14.4 acres. Easements are needed so the access is not cutoff to the north and south parcels.

APPLICANT COMMENTS

Dave Marshall reviewed the site plan and existing structures in Shelburne Green North and South, stressing there will be access to both north and south parcels.

John Day asked if there is an outline of an agreement for shared parking. Dave Marshall said his client's attorneys are willing to draft a document and any forms or documents can be reported to staff. Existing Shelburne Green North has more parking than needed. Shelburne Green South is to be designed with parking. Ravi Venkataraman noted per Section 1960 parking is on-site. Creating the proposed lot division makes the parking off site, therefore, a long term lease is needed for parking.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Preliminary Plan, Subdivision, Two Lots, 120 Graham Way/Sage Court, Shelburne Green, LLC (SUB13-02R4)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the Preliminary Plan hearing, and authorize the applicant to file a Final Plan application based on the materials presented in the Preliminary Plan, SUB13-02R4, with the following recommendations:

- 1. The applicant must provide legal documentation indicting shared use of the parking area and related infrastructure throughout the PUD-C pursuant to Shelburne Zoning Bylaws, Section 1960.1.**
- 2. Should the applicant propose additional new lots, new lot lines, and/or a major revision to the application materials as presented in the Sketch Plan application, SUB13-02R4, the applicant will need to refile a Sketch Plan Review application pursuant to Shelburne Subdivision Regulations, Articles II and III.**

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

CU19-06: Conditional Use to build an accessory apartment at 164 Pierson Drive in the Residential District and Stormwater Overlay District by Maureen Mindell, Ann Mindell, and Sean Toohey

Maureen Mindell, Ann Mindell, and Sean Toohey appeared on behalf of the application.

Submittals:

- General Application Form, received 3/29/19
- Conditional Use Review Application, received 3/29/19
- Site Plans, received 3/29/19
- Town of Shelburne Staff Report, dated 5/1/19

STAFF REPORT

The DRB received a written staff report on the application, dated 5/1/19. Ravi Venkataraman said the accessory apartment will be a new structure which will be located 30' from the right-of-way and 50' from the side yard. Water and sewer connection are through Pierson Drive.

APPLICANT COMMENTS

Sean Toohey gave background information on the property that has been in the Mindell family for over 50 years. Maureen Mindell will be living in the detached accessory unit made by Vermod. The structure meets the setbacks and will have minimal impact on neighboring properties.

PUBLIC COMMENT

Faith Rushford, Pierson Drive, asked the dimensions of the structure and if the structure will be visible. Sean Toohey said there is significant space between the 42' x 23' Vermod unit and the road. The structure will be compatible with the house. The existing large trees will remain and others will be planted. One parking space will be added to the site. Faith Rushford asked if the Vermod unit could become a rental or Airbnb. Ravi Venkataraman said one of the structures must be owner occupied and the other could be a

rental per the ordinance. Sean Toohey said the structure can be removed. The unit is one bedroom. The purpose is as a residence for Maureen Mindell.

DELIBERATION/DECISION

Conditional Use, Accessory Apartment, 164 Pierson Drive, Mindell/Toohey (CU19-06)

MOTION by Jeff Pauza, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of the Conditional Use Review Application, CU19-06, by Maureen Mindell, Ann Mindell, an Sean Toohey with the condition a zoning permit is required prior to any land development pursuant to Section 2010.1. VOTING: unanimous (7-0); motion carried.

SUB12-07R4: Final Plan Review to expand an existing Conditional Use in a Commercial PUD at 3328 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Floodplain and Watercourse Overlay District by The Automaster, LLC

Andrea Dotolo, Trudell Engineering, appeared on behalf of the application.

Submittals:

- Cover letter prepared by Trudell Consulting Engineers, received 5/28/18
- Sketch Plan Review Application, received 5/18/18
- General Application Form, received 5/18/18
- Property Owner Authorization Form, received 5/18/18
- Parking Summary Table, received 5/18/18
- Dimensional Requirements Table, received 5/18/18
- Site Plans, received 5/18/18
- Staff Report prepared for the June 20, 2018 DRB meeting
- Cover letter prepared by Trudell Consulting Engineers, received 11/14/18
- Preliminary Plan Review Application, received 11/14/18
- Conditional Use Review Application, received 11/14/18
- Site Plan Review Application, received 1/14/19
- Stormwater Narrative prepared by Trudell Consulting Engineers, received 11/14/18
- Parking Table prepared by Trudell Consulting Engineers, received 11/14/18
- Plantings List prepared by Trudell Consulting Engines, receive 11/14/18
- Site Plans, received 11/14/18
- Comments from various town departments
- Staff Report prepared for the 2/20/19 DRB meeting
- Cover letter prepared by Trudell Consulting Engineers, received 4/5/19
- Final Plan Review Application, received 4/5/19
- Conditional Use Review Application, received 4/5/19
- Site Plan Review Application, received 4/5/19
- Parking Summary Table, received 4/5/19
- Plant List, received 4/5/19
- Site Plans, received 4/5/19

- Town of Shelburne Staff Report, dated 5/1/19

STAFF REPORT

The DRB received a written staff report on the application, dated 5/1/19. Ravi Venkataraman stated the applicant provided figures for vehicle parking and bike parking. There are 112 parking spaces and 12 bike spaces. Section 1960.4 requires 11 bike spaces.

APPLICANT COMMENTS

Andrea Dotolot explained the proposal is a gravel parking lot expansion involving 24,000 s.f. or about a half-acre. The parking count numbers have been updated. Six handicap spaces and bike racks have been added. The Automaster would be interested in having fewer bike parking spaces if possible.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Expand Conditional Use, 3328 Shelburne Road, The Automaster, LLC (SUB12-07R4)

MOTION by John Day, SECOND by Doug Griswold, to finalize the record, close the hearing for SUB12-07R4, CU99-24R5, and SP93-01R3, and direct staff to prepare a decision that indicates approval of the Final Plan Review Application, SUB12-07R4, by Trudell Consulting Engineers on behalf of The Automaster, LLC to amend a previously approved PUD-C by expanding the existing Conditional Use by 24,978 s.f. with the following conditions:

- 1. A zoning permit is required prior to any land development pursuant to Shelburne Zoning Bylaws, Section 2010.1, and Shelburne Subdivision Regulations, Section 1120.**
- 2. The Mylar must be recorded within 180 days of the signed approval pursuant to Shelburne Subdivision Regulations, Section 1050.**
- 3. Prior to the issuance of a zoning permit the developer, their engineer, their contractor, Shelburne's Water Quality Superintendent and/or designee, and Shelburne Planning and Zoning staff shall conduct a pre-construction meeting that would also inform the developer and parties associated with the developer of the rules and notifications concerning inspections in all phases of construction pursuant to Shelburne Subdivision Regulations, Section 740.**
- 4. 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 the town can inspect during the construction process in order to assure satisfactory completion of improvements or stipulations required by the Development Review Board.**
- 5. Prior to the issuance of a zoning permit the developer is responsible for informing the Town Manger's Office of the names of the contractor responsible for on-site installation, observations and inspections for the**

erosion prevention and sediment control work as specified in Section 1145 of the Shelburne Subdivisions Regulations.

6. Prior to the issuance of any zoning permits in relation to the approvals the applicant must provide a landscaping bond or alternative line of credit pursuant to Section 1930.7.

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

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by John Day, SECOND by Doug Griswold, to adjourn the meeting.

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

The meeting was adjourned at 8:15 PM.

RScty: MERiordan