

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
JUNE 3, 2020**

***Meeting held by teleconference.**

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

STAFF PRESENT: Britney Aube, DRB Coordinator.

OTHERS PRESENT: Jacques Larose, Scott Gardner, Charlie Proutt, Robert Bellezza, Kathleen O’Brien.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (5/20/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Final Plan, Subdivision, Three Lots, 157 Maple Leaf Lane, B&R Developers (SUB19-10\FBZ19-02)
 - Boundary Line Adjustment, 5935 Dorset Street, Patrick Berkeley/Nina LaRosa (BLA20-03)
 - Final Plan, Subdivision, Three Lots, 1036 & 1056 Fall Road, Scott Gardner (SUB16-01R3)
 - Variance, Pool and Patio, 95 Chesapeake Drive, Bellezza/O’Brien (V20-03)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

2. PUBLIC COMMENTS

There were no comments at this time from the public.

3. MINUTES

May 20, 2020

MOTION by Mike Major, SECOND by Anne Bentley, to approve the minutes of 5/20/20 as presented. VOTING by roll call: unanimous (7-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Mike Major said he will recuse himself for the B&R application at 157 Maple Leaf Lane (SUB19-10\FBZ19-02).

David Hillman said he will recuse himself for the Berkeley/LaRosa application at 5935 Dorset Street (BLA20-03)

Those present at 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.

SUB19-10\FBZ19-02: Final Plan for a three lot residential subdivision reviewed under Form Based Code at 157 Maple Leaf Lane in the Mixed Use District, Stormwater Impaired Watershed Overlay District, and Shelburne Road Form Based Overlay District by B&R Developers

Mike Major recused himself from the hearing. Staff noted the applicant requested a continuation of the hearing.

MOTION by Doug Griswold, SECOND by Anne Bentley, to continue the hearing of SUB19-10\FBZ19-02 for a three lot subdivision at 157 Maple Leaf Lane to June 17, 2020 as requested by the applicant, B&R Developers. VOTING by roll call: unanimous (6-0); motion carried.

Mike Major returned to the DRB.

BLA 20-03: Boundary Line Adjustment of .48 acres between property located at 5935 Dorset Street and an undeveloped parcel directly to the south in the Rural District and Conservation District by Patrick Berkeley and Nina and Debora LaRosa

Jacques LaRosa appeared on behalf of the application. David Hillman recused himself from the hearing. Mark Sammut assumed facilitation of the meeting.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., received 4/26/20
- General Application Form, received 4/26/20
- Boundary Line Adjustment Application, received 4/26/20
- Email exchange re: Project Review Sheet, received 4/26/20
- Boundary Line Adjustment Plat (Sheet P1), received 4/26/20
- Town of Shelburne Staff Report, dated 6/3/20

STAFF REPORT

The DRB received a written staff report on the application, dated 6/3/20.

APPLICANT COMMENTS

Jacques LaRose explained the transfer of .48 acres of land from the 10.58-acre lot to the 4.35-acre lot to the north. The land transfer will reduce the nonconformity of the lots, and will leave at least 10 acres in the larger lot for potential subdivision in the future.

Brit Aube noted the regulations allow a lot to be made more nonconforming. There is a small portion of the 10-acre lot in the Conservation District which must be removed from the density calculation.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 5935 Dorset Street, Berkeley/LaRosa (BLA20-03)

MOTION by Mike Major, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision approving application, BLA20-03, for a boundary line adjustment between parcels at 5935 Dorset Street by Patrick Berkeley and Nina and Debora LaRosa (Tax Map #07-01-43.000 & Tax Map 07-01-43.100) with the following conditions:

1. A copy of the view easement document must be included with the submittal of the survey mylar.
2. A mylar of the plat must be filed within 180 days of the signed approval pursuant to Shelburne Subdivision Regulations, Section 1030.

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

David Hillman returned to the DRB and assumed facilitation of the meeting.

SUB16-01R3: Final Plan for a three lot 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 01.21.202” and received 1/23/20
- Final Plat Application, received 5/11/20
- Preliminary Plat, Sheet P1, dated 5/11/20
- Sheet C1.0, Existing Conditions Plan, dated 2/20/20
- Sheet C1.1, Proposed Conditions and Landscape Plan, dated 2/20/20
- Sheet C1.2, Proposed Utility and Grading Plan, dated 2/20/20
- Sheet C1.3, Truck Turning Plan, dated 2/20/20
- Sheet C2.0, Details, dated 2/20/20
- Sheet C2.1, Details, dated 2/20/20
- Sheet C3.0, Erosion Control plan, dated 2/20/20
- Sheet C3.1, EPSC Details and Specifications, dated 2/20/20
- Sheet SW1, Stormwater Management Plan, dated 2/20/20
- Sheet C4.0, Specifications, dated 2/20/20
- Sheet C4.1, Specifications, dated 2/20/20
- Sheet C4.2, Specifications, dated 2/20/20

- Sheet C4.3, Specifications, dated 2/20/20
- Sheet C4.4, Specifications, dated 2/20/20
- Sheet C4.5, Specifications, dated 2/20/20
- Shelburne Department Head comments
- Town of Shelburne Staff Report, dated 6/3/20

STAFF REPORT

The DRB received a written staff report on the application, dated 6/3/20. Britney Aube noted confirmation is needed that the comments from the Fire Department have been resolved. Also, the trees need to be included in the legend on the Final Plan, Lot 2 must meet the minimum lot size requirement, the stormwater management system must be maintained by the property owner, and a blasting plan is needed if there is to be any blasting. Legal documents need to cover the maintenance of the sewer system and pump station, and the water connection.

APPLICANT COMMENTS

Scott Gardner said the Fire Department wants the driveway to be 20' wide like a road, but the design done by Civil Engineering Associates is for a 14' wide gravel driveway shared by the residences that will accommodate a fire truck and protect the landscape. There was further discussion of the driveway width. The DRB agreed a 20' wide driveway creates storm water and aesthetic issues. There was also discussion of the need for the applicant to get approval from the Historic Preservation & Design Review Committee for the change from a triplex on the property to a duplex. Scott Gardner pointed out the changes were made to address the concerns of the neighbors and the Design Review Committee did see the design.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, Subdivision, Three Lots, 1036 and 1056 Falls Road, Gardner (SUB16-01R3)

MOTION by Mark Sammut, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision approving SUB16-01R3, Final Plan for a three lot subdivision at 1035 and 1056 Falls Road by Scott Gardner with the following conditions:

1. **The applicant must obtain approval from the Shelburne Historic Preservation & Design Review Committee for the three lot configuration prior to filing the final mylar.**
2. **Pursuant to Shelburne Subdivision Regulations, Section 810(4), the applicant shall install the four hardwood trees as depicted on Sheet C1.1, dated 2/20/20, and at the time of planting the trees shall measure at least 2 ½ inches in diameter measured at a point one foot above finished grade level and shall be planted in conformance with the Shelburne Tree Policy.**
3. **The final plat should depict Lot 2 at least 12,500 s.f. which is the minimum lot size for the Shelburne Falls Mixed Use District.**

4. **The proposed project includes a Stormwater Management Plan that proposes treatment through simple disconnection and that the applicant shall regularly maintain all storm water conveyance and treatment systems.**
5. **If blasting is required the applicant shall furnish a copy of the blasting plan to the Shelburne Planning & Zoning Office prior to commencing the blasting work.**
6. **Pursuant to Shelburne Subdivision Regulations, Sections 610(11) and 610(12) legal documents shall be furnished at the time the final mylar is submitted and the documents should address all shared infrastructure including the on-going maintenance of the shared pump station.**
7. **The applicant must furnish a mylar of the final plat for signature by the DRB Chair and the plat must be recorded in the Shelburne land records within 180 days of the signed approval of the decision.**

VOTING by roll call: 6 ayes, one abstention (Allyson Myers); motion carried.

V20-03: Variance to allow a pool, pool shed, and stone patio outside of the building envelope at 95 Chesapeake Drive in the Residential District by Robert Bellezza & Kathleen O'Brien

Charlie Proutt with Distinctive Landscaping and Robert Bellezza and Kathleen O'Brien appeared on behalf of the application.

Submittals:

- Variance Request Application, received 5/11/20
- General Application Form, received 5/11/20
- Site Plan prepared by Distinctive Landscaping
- Morrisey Subdivision Approval Documents
- Portion of recorded Plat "The Chesapeake Subdivision", Slide 180A
- PUD Overlay Map
- Town of Shelburne Staff Report, dated 6/3/20

STAFF REPORT

The DRB received a written staff report on the application, dated 6/3/20. Brit Aube stated the pool would be in the 50' PUD buffer so a variance is being requested. Variances are very difficult to grant. Three neighbors have written letters of support for the proposal.

APPLICANT COMMENTS

Charlie Proutt noted the proposal only includes the on-grade pool and patio. The pool house has been removed. The pool will not impair the PUD and there are incidences of driveways and walkways being outside the building envelope. Robert Bellezza added the 50' buffer takes up most of the backyard. The proposal is an attempt to create a home setting and environment where the family can enjoy themselves especially during COVID confinement. Having a pool and patio is a good use of the yard and does not impact the integrity of the PUD. Regarding the variance criteria, COVID-19 is the hardship.

There was discussion of the PUD buffer and allowing a variance for a pool which could result in requests for other structures in the buffer, such as sheds. Staff will research existing legal precedence on allowing a variance for structures in the PUD buffer.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Variance, Pool & Patio outside Building Envelope, 95 Chesapeake Drive, Bellezza/O'Brien (V20-03)

MOTION by Doug Griswold, SECOND by Mark Sammut, to continue the variance hearing (V20-03) for a pool and patio outside the building envelope at 95 Chesapeake Drive by Bellezza/O'Brien to June 17, 2020 pending information from the Town Attorney on precedence of granting a variance for a pool in the PUD buffer. VOTING by roll call: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Preliminary Plan Extension Request: Three Jewels, LLC

MOTION by Mark Sammut, SECOND by Zeke Plante, to extend the Preliminary Plan application for a period of six months for the applicant known as Three Jewels, LLC per the request of the applicant. VOTING by roll call: unanimous (7-0); motion carried.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Doug Griswold, SECOND by Mike Major, to adjourn the meeting. VOTING by roll call: unanimous (7-0); motion carried.

The meeting was adjourned at 8:35 PM.

RScty by tape: MERiordan