

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 7, 2014**

MEMBERS PRESENT: Mark Sammut (Chairman); Bill Stuono, Paul Orzech, Jeff Hodgson, Kevin Lavery, Jeff Pauza, Peter Keelan.
STAFF PRESENT: Annie Geratowski, Zoning Administrator.
OTHERS PRESENT: Anne Powell, Dave McLellan, Mark Smith, Mindy Freeman, Dave Marshall, Graham Goldsmith, Jr.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Applications
 - Design Review, Shed, 910 Falls Road, McLellan (DR14-07)
 - Final Plan, PUD-Rural, Two Lots, 157 Shelburne-Hinesburg Road, Gurwicz (SUB14-02)
 - Amend Site Plan, Change of Use, Restaurant to Retail Sales, 5247 Shelburne Road/11 Falls Road, Green Pasture Meats, Inc. (SUB05-09R6)
 - Final Plan\Conditional Use, Commercial PUD, 6221 Shelburne Road, Shelburne Green, LLC (SUB13-02\CU10-07R1)
4. Approval of Minutes (4/16/14)
5. Consideration of Draft Decisions
6. Election of Officers
7. Other Business/Correspondence
8. Adjournment and/or Deliberative Session

1. CALL TO ORDER and ANNOUNCEMENTS

Mark Sammut called the meeting to order at 7 PM. There were no announcements.

2. PUBLIC COMMENT

There were no comments from the public at this time.

3. 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 Board were sworn in.

DR14-07: Design Review for the addition of a 12'x 5' storage shed at 910 Falls Road by David & Susan McLellan

David McLellan appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 5/7/14. Annie Geratowski explained the proposal to add a storage shed to the back of the house at 910 Falls Road. The applicant is also seeking to change the entryway to the one car garage to

a mudroom. Shelburne Historic Preservation & Design Review Committee (SHP&DC) is waiting for further information on the mudroom, but approved the storage shed.

APPLICANT COMMENTS

The applicant had no further comments to the staff report.

PUBLIC COMMENT

There were no comments from the public on the application.

DELIBERATION/DECISION

Design Review, Storage Shed, 910 Falls Road, McLellan (DR14-07)

MOTION by Peter Keelan, SECOND by Kevin Lavery, to grant design review approval to David and Susan McLellan for the addition of a 5'x 12' utility shed at 910 Falls Road as depicted on the sketch, dated April 23, 2014. VOTING: unanimous (7-0); motion carried.

SUB14-02: Final Plan for a two lot Rural-PUD in the Rural District at 157 Shelburne-Hinesburg Road by Robert and Debra Gurwicz

MOTION by Bill Stuono, SECOND by Paul Orzech, to close the hearing for application SUB14-02 (Two Lot Rural-PUD, 157 Shelburne-Hinesburg Road, Gurwicz). VOTING: unanimous (7-0); motion carried

SUB05-09R6: Amendment to Site Plan for a Redevelopment-PUD for a change of use from restaurant to retail sales at 5247 Shelburne Road/11 Falls Road in the Village Center District and Village Design Review, Village Core, and Storm Water-Impaired Watershed Overlay districts by Green Pasture Meats, Inc.

Mark Smith appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 5/7/14. Annie Geratowski explained the former Shelburne Inn property is proposing to change the space previously occupied by Next Door Bakery & Café to retail space. Prior to the café the space was retail. The change of use is that food will not be served. A parking waiver was approved with the prior approval. There is no change to the existing parking and the applicant is requesting the status quo be maintained.

APPLICANT COMMENTS

Mark Smith explained all products at the meat market are prepackaged. There will be no meat processing on-site, but meat will be cut to order. Green Pasture has a similar store in New Haven on Route 7.

PUBLIC COMMENT

There were no comments from the public on the application.

DELIBERATION/DECISION

Amend Site Plan, Change of Use, Restaurant to Retail Sales, 5247 Shelburne Road/11 Falls Road, Green Pasture Meats, Inc. (SUB05-09R6)

MOTION by Jeff Pauza, SECOND by Kevin Lavery, to direct staff to prepare a decision of approval for amendment of the Final Plan (application SUB05-09R6) to modify the Redevelopment-PUD (application SUB05-09) for a change of use of 1,020 s.f. from restaurant use to retail use subject to all previous conditions of approval for SUB05-09 and with the following new condition(s):

1. **All original conditions of approval unaffected by the amendment shall remain unmodified.**

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

SUB13-02\CU10-07R1: Final Plan and Conditional Use application for a Commercial PUD with 13 buildings at 6221 Shelburne Road in the Commerce & Industry South District by Shelburne Green, LLC

Dave Marshall with Civil Engineering and Graham Goldsmith, Jr. appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 5/7/14. Annie Geratowski reported there are a few administrative details to clear up with the applicant. The applicant met with the residents of The Gables and an agreement was reached with regard to landscape maintenance. The agreement has not yet been submitted to the town. The conditional use approval needs discussion relative to the same uses being in the buildings and each individual use being allowed an accessory use or allowing an accessory use that is accessory to the entire PUD. The staff report offers suggested conditions on accessory uses that could be allowed.

APPLICANT COMMENTS

Dave Marshall stated the agreement between Shelburne Green and The Gables involves trimming the trees to maintain the viewshed and removing dead/diseased trees. A double row of cedar hedge between 5' and 6' in height will be planted (85 trees added). The Gables will notify Shelburne Green when the hedge needs to be trimmed. Other concerns included the dumpster and headlight shine from the development. With the building layout (horseshoe shape) and the tree plantings vehicle headlight shine will be screened. The Fire Dept. did not want landscaping between buildings which could impede access so

more trees will be planted on the perimeter. A cedar hedge will be planted around the trash enclosure. Regarding storm water runoff, storm water peak flow mitigation is above state standards. The following was also noted:

- There are community gardens on the site and a walking path, benches, and large boulders for sitting. There is a path connection between the two developments on Shelburne Green. Picnic tables can be added to the existing courtyard. Edible plantings are the theme of the landscaping. New maple trees will be added to the existing grove of maples. Other shade trees can be planted. A landscaper is implementing and managing the landscape plan.
- The driveway and parking area will be hard pack and sprayed with water to reduce dust when necessary. The walkways will be gravel. ADA requirements will be met.
- The number of parking spaces is generous for the mix of office use and light manufacturing in the buildings. There is room for additional parking if needed. There is 10,500 s.f. of space available at Shelburne Green and even with this space filled there will be up to 30 extra parking spaces on the site.
- There is a recessed loading dock shared by buildings 1&5 shown on the plans. The turnaround circle can accommodate a tractor trailer.
- Building envelopes are shown, but the development will be phased and built to tenant needs. The buildings are shaker style and single story to contain costs.
- The traffic study done for the Act 250 application has not yet been submitted to Shelburne. The improvements to Route 7 are intended to take impact away from Cynosure Drive and Green Hills Drive. Tenants have been told to use Route 7. Signs have been posted.
- There is a dedicated left turn lane on Route 7 and per the traffic study there is adequate capacity at the intersection for the existing and planned uses. Where safety issues were identified the road improvements had a positive impact.
- Lighting is downward facing, building mounted lights. A photometric plan was submitted with the application.
- The applicant is essentially seeking approval of the master site plan with guidance so the buildings can be developed and staff will have the tools to confirm compliance.
- Regarding uses in the buildings, there was light manufacturing, office use, and warehousing on the property in the past. The existing uses should be allowed to remain as conforming and enclosed light manufacturing and warehousing be included as conditional uses with the approval.
- Tenants looking for space want to move quickly so the approval for the uses needs to be in place now.

There was discussion of the location of handicap parking spaces (should be adjacent to the building entrances). A suggested condition of approval could read: “Compliance with ADA requirements relative to the proximity to handicap spaces to the buildings and route shall be demonstrated at the time a permit application is brought before the town.”

There was discussion of maximum building size before requiring further review by the DRB. Mark Sammut suggested 20,000 s.f. footprint, single story building as the maximum. Graham Goldsmith, Jr. stated the ability to have Building 1 and Building 5 connection with the joint loading dock is needed for anticipated tenants. Dave Marshall suggested the area of Building 1 and Building 5 be allowed a maximum footprint of 20,000 s.f. single story building and all other areas not exceed 10,000 s.f. footprint single story building without further approval.

Mark Sammut noted the erosion control plan should be designed around the layout. There should be language specifying the plan will be modified to accommodate the building layout.

Regarding lighting, Annie Geratowski suggested a condition that requires Shelburne’s lighting standards must be met and an as-built lighting plan must be submitted when the development is complete.

There was discussion of a walking path on Shelburne Green Way to Route 7 or widening the road slightly to allow a 7’ wide bike/walk lane. Dave Marshall pointed out the access road is gravel and wide enough to accommodate two travel lanes and a path. It was noted there is no lighting along Shelburne Green Way.

There was discussion of uses in the buildings. Bill Stuono asked if warehousing is the same as a self-storage facility. Annie Geratowski will research the matter. Mark Sammut asked about accessory uses. Graham Goldsmith, Jr. said an example of accessory retail would be a chocolate maker selling chocolates in a small area of their space. Nova Natural has a warehouse use in the back of the building and retail in the front. Mr. Goldsmith mentioned having a small café in the building to serve all tenants. There was discussion of the amount of space for an accessory use and agreement that 15% of tenant space per tenant with a cap of 2,500 s.f. for the building may be acceptable for an accessory use.

PUBLIC COMMENT

Anne Powell, President of The Gable Board of Directors, confirmed the developer has been working with residents on a list of conditions relative to landscaping. Work is progressing well.

Mindy Freeman, resident at The Gables, expressed concern regarding the following:

- Lights remaining on through the night and work shifts occurring at night – Staff stated all non-security lighting must be off at the designated time. Graham Goldsmith, Jr. said theoretically there could be work shifts at night provided there is no noise.
- The number and size of the buildings – The DRB indicated the zoning for the area allows what is proposed.
- Further development of the property – Graham Goldsmith, Jr. said the wetlands on the site will restrict more buildings even though the lot coverage is not maxed out. Construction of the buildings will start once tenants are secured. There are undeveloped lots on the Clark Farm which could be developed by the owner if desired.
- Control of types of businesses at the site – Staff explained there are certain uses that require conditional use approval or permits. There are performance standards required to be met relative to odors, noise, light pollution and such. Mr. Goldsmith, Jr. assured there is a vested interest in making the site very nice with no odors or disruptive presence.
- Sewer capacity and impact on taxes – Staff explained the development will add to the tax base and as the tax base increases theoretically taxes should go down. There is sewer capacity for the PUD proposal by the applicant.
- Building height – The applicant indicated the overall height of the largest building is 35'. The buildings will not exceed the building height restriction by the town.
- Traffic congestion on Route 7 – The applicant explained the extensive traffic review required by Act 250 showed the area can handle the trips to and from the site without adverse impact and no change in safety condition. Route 7 was widened at the southern entrance to the site. Wait time at the traffic light is within acceptable levels.

DELIBERATION/DECISION

Final Plan\Conditional Use, Commercial PUD, 6221 Shelburne Road, Shelburne Green, LLC (SUB13-02\CU10-07R1)

MOTION by Peter Keelan, SECOND by Paul Orzech, to continue the application by Shelburne Green, LLC for 6221 Shelburne Road (SUB13-02\CU10-07R1) until May 21, 2014. VOTING: unanimous (7-0); motion carried.

Annie Geratowski will prepare a decision for review by the DRB as soon as possible.

4. APPROVAL OF MINUTES

April 16, 2014

MOTION by Bill Stuono, SECOND by Paul Orzech, to approve the minutes of 4/16/14 with the following correction(s)/clarification(s):

Pages 2, 3, 4, Staff Report, first sentence – change “on the appeal” to “on the application”;

Page 6, Applicant Comments, 2nd bullet – delete “(homeowners association)”.

VOTING: 6 ayes, one abstention (Jeff Pauza); motion carried.

5. CONSIDERATION OF DRAFT DECISIONS

The following applications were approved unanimously by the DRB for signing by the Chairman:

- DR14-07, Design Review, Shed, 910 Falls Road, McLellan
- A14-05, Appeal of Zoning Violation, 331 Shelburne-Hinesburg Road, Palmer
- CU14-04, Expand Nonconforming Structure, 4135 Harbor Road, Davis
- SUB14-02, Two Lot Rural-PUD, 157 Shelburne-Hinesburg Road, Gurwicz
- SUB05-09R6, Change of Use, Restaurant to Retail, 5247 Shelburne Road, Green Pasture Meats, Inc.

6. ELECTION OF OFFICERS

MOTION by Bill Stuono, SECOND by Jeff Hodgson, to go into Executive Session and invite staff to attend. VOTING: unanimous (7-0); motion carried.

Executive Session was convened at 9:35 PM.

MOTION by Peter Keelan, SECOND by Paul Orzech, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (7-0); motion carried.

Executive Session was adjourned and the regular meeting reconvened at 10 PM.

Election of Chair

MOTION by Peter Keelan, SECOND by Paul Orzech, to nominate Mark Sammut as Chairman. There were no other nominations. VOTING: 6 ayes, one nay (Bill Stuono); motion carried. Mark Sammut is Chairman of the Shelburne DRB.

Election of Vice Chair

MOTION by Bill Stuono, SECOND by Peter Keelan, to nominate Jeff Pauza as Vice Chairman. There were no other nominations. VOTING: unanimous; motion carried. Jeff Pauza is Vice Chairman of the Shelburne DRB.

Clerk

MOTION by Jeff Pauza, SECOND by Kevin Lavery, to nominate Peter Keelan as Clerk. There were no other nominations. **VOTING: unanimous; motion carried.** Peter Keelan is Clerk of the Shelburne DRB.

7. OTHER BUSINESS/CORRESPONDENCE

None.

8. ADJOURNMENT

MOTION by Peter Keelan, SECOND by Kevin Lavery, to adjourn the meeting.
VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 10:05 PM.

RScty: MERiordan