

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 5, 2020**

MEMBERS PRESENT: David Hillman (Chair); Mark Sammut, Mike Major, Doug Griswold, Anne Bentley, Robert “Zeke” Plante, Allyson Myers. (John Day was absent.)
STAFF PRESENT: Dean Pierce, Director of Planning.
OTHERS PRESENT: E.L. Kochler Michael Koch, Austin Harris, Seth Goddard, Gail Albert, Jason Grignon, Robert Infantino, Susan Baldwin.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (12/18/19 and 1/15/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Design Review, Remove/Replace Garage, Addition to House, 636 Falls Road, Johnson (DR20-01)
 - Final Plan, PUD, Two Lots, 136 Southview Drive, Meunier (SUB19-06)
 - Preliminary Plan, Subdivision, Four Lots, 1036 & 1056 Falls Road, Gardner (SUB16-01R2)
 - Preliminary Plan\Conditional Use, Subdivision, Two Lots, 127 Webster Road, Trinity Baptist Church (SUB19-08\CU20-01)
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 from the public at this time.

3. MINUTES

December 18, 2019

MOTION by Mike Major, SECOND by Doug Griswold, to approve the minutes of 12/18/19 as presented. VOTING: 6 ayes, one abstention (Anne Bentley); motion carried.

January 15, 2020

MOTION by Mike Major, SECOND by Doug Griswold, to approve the minutes of 1/15/20 as presented. VOTING: 6 ayes, one abstention (Mark Sammut); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

David Hillman mentioned he knows the applicant for DR20-01 (Johnson), but this will not impact his decision.

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.

DR20-01: Design Review for the removal of an existing garage and construction of a new garage and addition to the west side of the house at 636 Falls Road in the Village Residential District and Village Design Review Overlay District by Glenn and Barbara Johnson

Austin Harris appeared on behalf of the application.

Submittals

- Historic Preservation and Design Review Application
- Photographs of house
- Existing and proposed site plan
- Perspectives and elevations of proposed garage and addition
- Foundation and floor plans
- Photographs of proposed new front door and dormer windows
- Town of Shelburne Staff Report, dated 2/5/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/5/20. Dean Pierce reviewed the proposal to remove/replace a garage and add to the west side of the house. The door on the street side of the house needs to be approved by Shelburne Historic Preservation & Design Review Committee, but there is no need to then bring that before the DRB.

APPLICANT COMMENTS

Austin Harris reviewed the layout of the site with the new garage, carport, and addition to the house. The roof, pitch, siding, trim will match the existing conditions.

Mark Sammut asked about easements through the property. Austin Harris said the easements were part of a previously approved subdivision for a duplex on the property.

Doug Griswold asked if the shared access is a problem. Dean Pierce said the property owner is doing the application for an accessory apartment. Austin Harris explained the daughter is buying the house from her parents who will live in the accessory apartment.

Anne Bentley asked about the door. Dean Pierce said the Design Review Committee wanted something more appropriate for the house. Austin Harris said wood doors do not

hold up well especially if exposed as this door will be. A replacement shaker style door will be proposed.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Design Review, Remove/Replace Garage, Addition to House, 636 Fall Road, Glenn and Barbara Johnson (DR20-01)

MOTION by Mark Sammut, SECOND by Doug Griswold, to grant design review approval to Glenn and Barbara Johnson/Sweeney for the removal of an existing garage and construction of a new one car garage with attached covered porch and an addition to the west side of the house with new dormer windows at 636 Falls Road with the following conditions:

- 1. The applicant shall obtain approval from Shelburne Historic Preservation & Design Review Committee for the replacement front door.**
- 2. A zoning permit shall be required prior to the start of construction.**

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

SUB19-06: Final Plan Review for a two lot residential PUD at 136 Southview Drive in the Rural District by Richard and Marguerite Meunier

Mike Koch, CEA, appeared on behalf of the application.

Submittals:

- Cover letter, received 5/3/19
- Sketch Plan Review Application, received 5/3/19
- Summary of Applicable Planning Standards, received 5/3/19
- Vermont Agency of Natural Resources Wildlife and Endangered Species Map, received 5/3/19
- Area Well Mapping, received 5/3/19
- Well Log data from Vermont Agency of Natural Resources, received 5/3/19
- “Land Use 210: Single Family Detached Housing” from ITE Trip Generation Manual 10th Edition, received 5/3/19
- Existing and Proposed Conditions Site Plan (Sheet C1.0), received 5/3/19
- Figure from “Rural Cluster Development” added by staff to record
- Staff Report prepared for 6/5/19 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc, received 10/11/19
- Preliminary Plan Review Application, received 10/11/19
- Site Plan Review Application received 10/11/19
- Comments from various town departments pursuant to Shelburne Subdivision Regulations, Section 600(28), received 10/11/19
- Correspondence between applicant and Jeff McMahan, Vermont Agency of Natural Resources Regional Permit Specialist, received 10/11/19

- Summary of Applicable Planning Standards prepared by applicant, received 10/11/19
- Maps from Vermont Agency of Natural Resources, received 10/11/19
- Well Log data from Vermont Agency of Natural Resources, received 10/11/19
- General traffic data from ITE Trip Generation Manual 10th Edition received 10/11/19
- Open Space Agreement draft, received 10/11/19
- Site Plans, received 10/11/19
- Staff Report prepared for the 12/6/19 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc., dated 12/24/19
- Final Plan Review Application, received 12/24/19
- Site Plan Review Application, received 12/24/19
- Email correspondence re: storm water review comments, received 12/24/19
- Summary of Applicable Planning Standards prepared by the applicant, received 12/24/19
- Responses to Shelburne Town Plan Housing and Rural Area Objectives, received 12/24/19
- Maps of Vermont Agency of Natural Resources, received 12/24/19
- Site Plans, received 12/24/19
- Proposed Final Plat, received 12/24/19
- Town of Shelburne Staff Report, dated 2/5/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/5/20. Dean Pierce said the application is a minor PUD in the Rural District. It has been a long process for the property owners due to a series of zoning changes over time.

APPLICANT COMMENTS

Mike Koch said the two lot PUD subdivision has the existing house on Lot 1 and a new house to be built on Lot 2. Open space (15%) will be preserved.

Allyson Myers asked about the driveway off Spear Street. Mike Koch said the access is located off Spear Street due to the topography of the land.

PUBLIC COMMENT

A gentleman in the audience asked for more information on the open space. Mike Koch reviewed the building envelope and location of the proposed open space. The new driveway will be off Spear Street. The existing driveway is off Southview Drive.

DELIBERATION/DECISION

Final Plan, PUD, Two Lots, 136 Southview Drive, Meunier (SUB19-06)

MOTION by Mike Major, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision approving SUB19-06, application

by Richard and Marguerite Meunier for a two lot residential PUD at 136 Southview Drive, with the following conditions:

1. Legal documents for the project consisting of the proposed Open Space Agreement and the proposed wastewater disposal easement shall be submitted for review, revision, and approval by the Town Attorney prior to recording.
2. The finalized Open Space Agreement must be recorded in the Shelburne land records prior to the recording of any mylar for the project.
3. The mylar of the Final Plat must be recorded within 180 days of the signed approval of the decision pursuant to Shelburne Subdivision Regulations, Section 1050.
4. If any blasting is to occur the applicant shall conduct such blasting activities in accordance with a blasting plan prepared in accordance with the State of Vermont Department of Environmental Conservation Blasting Plan Guidance document.
5. 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 (7-0); motion carried.

SUB16-01R2: Preliminary Plan Review for a four 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

The application was withdrawn by the applicant.

SUB19-08\CU20-01: Preliminary Plan\Conditional Use Review for a two lot subdivision bisecting a parcel with an existing conditional use (church) and on the proposed vacant parcel an eight unit residential PUD at 127 Webster Road in the Residential District and Stormwater Overlay District by Trinity Baptist Church

Seth Goddard with Krebs & Lansing Consulting Engineers appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 6/25/19
- Correspondence between the applicant and Vermont Agency of Natural Resources Permit Specialist, Jeff McMahon, received 6/25/19
- Project Plan, received 7/1/19
- Aerial photo of subject property, received 6/25/19
- Proposed Conditions Sketch Plan, received 6/25/19
- Final Right-of-Way Plans for Webster Road Bicycle/Pedestrian Path prepared by Dubois & King, received 6/25/19
- Proposed Conditions Site Plans for 93 Webster Road (Sheet C1.0 and C1.1) prepared by Civil Engineering Associates, Inc., received 6/25/19
- Stormwater, Water and Sewer Map prepared by Chittenden County Regional Planning Commission, received 6/25/19

- Map of gas lines prepared by Vermont Gas, received 6/25/19
- Image of proposed likeness of two-family dwelling unit, received 6/25/19
- Cover letter prepared by Krebs and Lansing Consulting Engineers, dated 1/14/20
- Project description, received 1/14/20
- Preliminary Plan Review Application, received 1/14/20
- Conditional Use Review Application, received 1/14/20
- Site Plan Review Application, received 1/14/20
- Water allocation request letter prepared by Krebs and Lansing Consulting Engineers, dated 12/11/19
- Water allocation confirmation letter prepared by Shelburne Water Superintendent, Rick Lewis, undated
- Wastewater allocation request letter prepared by Krebs and Lansing Consulting Engineers, dated 12/11/19
- Wastewater capacity to serve letter prepared by Shelburne Wastewater Superintendent, Chris Robinson, dated 12/16/19
- Draft Open Space Agreement, undated
- Traffic volume and parking demand information, unattributed and undated
- Department head/committee Section 600 letters including requests from Wastewater and Fire departments
- Site Plan (Sheet 001) prepared by Krebs and Lansing, dated 1/9/20
- Construction/Road/Lighting details (Sheet 002) prepared by Krebs and Lansing, dated 12/13/19
- Storm/Sewer details (Sheet 003) prepared by Krebs and Lansing, dated 12/13/19
- Water details (Sheet 004) prepared by Krebs and Lansing, dated 12/13/19
- Storm water details (Sheet 005) prepared by Krebs and Lansing, dated 12/13/19
- Erosion Prevention and Sediment Control details (Sheet 006) prepared by Krebs and Lansing, dated 12/13/19
- Erosion Prevention and Sediment Control Plan (Sheet 007) prepared by Krebs and Lansing, dated 1/13/20
- Proposed subdivision plat prepared by Krebs and Lansing, dated 1/13/20
- Architectural Plans (TBCS #1) index and code information prepared by Frank Naef, architect, undated
- Basement/Foundation Plan (Sheet 1.0) prepared by Frank Naef, architect, dated 4/15/19
- First Floor Plan (Sheet 2.0) prepared by Frank Naef, architect, dated 4/15/19
- Second Floor Plan (Sheet 2.1) prepared by Frank Naef, architect, dated 4/15/19
- Front and Left Elevation Plan (Sheet 3.0) prepared by Frank Naef, architect, dated 4/15/19
- Building section at garage (Sheet 4.0) prepared by Frank Naef, architect, dated 4/15/19
- Details (Sheet 4.1) prepared by Frank Naef, architect, dated 4/15/19
- Town of Shelburne Staff Report, dated 2/5/20

STAFF REPORT

The DRB received a written staff report on the application, dated 2/5/20. Dean Pierce stated further information from the applicant is needed on a few items. The zoning regulations have significant sidewalk requirements. There should be sidewalk on the north-south portion of Webster Road. The proposal shows sidewalk going east-west. Comments have been received from the Water Department and provided to the DRB. Direction is needed from the Highway Department on possible road signs and placement. A landscaping plan is needed for the project with input from the Tree Advisory Committee or Tree Warden. A statement is needed on use of the open space.

APPLICANT COMMENTS

Seth Goddard said Lot 1 in the subdivision has the existing church, parking lot, and associated house. No changes are proposed to Lot 1. The new lot will have a PUD with four duplex units and access off Webster Road. The open space will be along the 50' PUD periphery buffer. Active recreational use will be allowed in the open space. The area will be mowed and used by residents in the condos. New impervious surface from the four duplexes and driveway will have storm water management. The project requires a state operational storm water permit, constructional storm water permit, and water and wastewater permits. A connection is proposed to the existing rec path on Webster Road along the southern end of the property because it makes no sense to have a sidewalk running north-south and connecting nowhere.

Robert Plante asked about hydrants. Seth Goddard said there is a hydrant at the end of the drive and adjacent to Webster Road.

Anne Bentley spoke in support of allowing recreational activity in the open space so there is an area for children to play.

Doug Griswold asked about wetlands to the east. Seth Goddard said there is conserved space, but not wetlands.

Mike Major asked if fencing or trees are proposed between the new houses and the property line. Seth Goddard said nothing is proposed.

PUBLIC COMMENTS

Gail Albert, Shelburne Natural Resources Committee, suggested shortening the driveway and moving the building closer to the entry road to increase the amount of open space and decrease the amount of impervious area. Seth Goddard said the 50' buffer does not allow the building to be moved closer to the road. Dean Pierce added the DRB at this point in time cannot modify the PUD 50' buffer.

There was continued discussion of the sidewalk and possibly locating in an area more central to all residents and the crosswalk, avoiding the open space. Seth Goddard said having a sidewalk north-south on Webster Road is farther from the existing rec path that runs east-west. Anne Bentley expressed concern about the sidewalk north-south on

Webster Road where there is a blind corner with significant traffic volume. David Hillman pointed out the regulations do not state sidewalk must be along the entire length of road. The sidewalk as proposed connects to a well-defined rec path. There was mention of having sidewalk closer to the nearest bus stop on Route 7. Doug Griswold asked about signage and a crossing light at the crosswalk. Seth Goddard said the rec pat report has recommendations on signage. Dean Pierce said the DRB has discretion to add a crossing to increase safety.

Susan Baldwin, 93 Webster Road, spoke in support of the project and having the sidewalk connection east-west rather than on the portion of Webster Road formerly known as “old Route 7”. Ms. Baldwin asked about the church being connected to public sewer and not through private property. Seth Goddard said all four units will be connected to public sewer. The church connection does not cross private property. Susan Baldwin asked if the property survey is complete. Mr. Goddard said the work is done, but the monuments have not yet been placed. Ms. Baldwin asked how it was determined there are no wetlands. Seth Goddard said there was an expert review. There is no wetlands map or hydric soils, and the property is not on the advisory list.

Robert Infantino said he did the sketch plan for the church and the Agency of Natural Resources said there are no wetlands on the property.

DELIBERATION/DECISION

Preliminary Plan\Conditional Use, Subdivision, Two Lots, 127 Webster Road, Trinity Baptist Church (SUB19-08\CU20-01)

MOTION by Robert Plante, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision authorize Trinity Baptist Church to prepare a Final Plan Review Application for SUB19-08 (two lot subdivision at 127 Webster Road) with the following conditions:

- 1. Material submitted with any Final Plan application will respond to and address any comments filed by Shelburne Water Superintendent, Rick Lewis, prior to the close of the Preliminary Plan public hearing.**
- 2. Materials submitted with any Final Plan application will respond to and address any comments filed by or on behalf of Shelburne Water Quality Superintendent, Chris Robinson (wastewater and/or storm water).**
- 3. Plans submitted with any Final Plan application will depict one or more road signs responding to concerns expressed by Shelburne Highway Superintendent, Paul Goodrich.**
- 4. Materials submitted with any Final Plan application will include a standalone landscaping plan prepared following a consultation with the Shelburne Tree Advisory Committee or in lieu of the entire committee the committee Chair and/or Shelburne Tree Warden.**
- 5. Materials submitted with any Final Plan application will include a clear statement of objectives for the open space area, and this statement will at a**

minimum respond to the Shelburne Natural Resources Committee suggestions that the buffer remain unmoved, only native species be planted, and personal furnishings or structures not impinge on the open space area.
VOTING: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

DRB Coordinator

Dean Pierce reported Brittany Aubie will begin as DRB Coordinator on 2/24/20.

Meeting Materials

Feedback is requested on the amount of material provided to the DRB with applications.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by David Hillman, SECOND by Doug Griswold, to adjourn the meeting.

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

The meeting was adjourned at 8:20 PM.

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