

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 16, 2022

***Hybrid Meeting held in-person and by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); John Day, Mike Major, Allyson Myers, Anne Bentley, Bob Glover. (David Hillman and Zeke Plante were absent.)

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: David Shenk, Bryan Currier, John Pizzagalli, the Bissonettes, Mark Cappis, Joyce George, Anne Marie Curley, Don Rendall, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (1/19/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Preliminary Plan\Site Plan\Boundary Line Adjustment, Two Lot Subdivision and Indoor Hockey Academy, 4309 & 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01\SP22-01\BLA21-03)
 - Conditional Use\Site Plan, Marina Access, Parking, Boat Storage, 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R2\SP94-09R2)
6. Discussion of Future Hybrid and Remote DRB Meetings
7. Other Business
8. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the hybrid in-person and teleconference meeting to order at 7 PM.

Agenda

MOTION by Mark Sammut, SECOND by Mike Major, to amend the agenda to continue the Safe Harbor Marina application at 4584 Harbor Road (CU20-04R2\SP94-09R2) per the request of the applicant to the March 2, 2022 meeting. VOTING: unanimous (6-0); motion carried.

2. MINUTES

January 19, 2022

MOTION by John Day, SECOND by Mike Major, to approve the 1/19/22 minutes with the clarification that Mark Sammut does not keep a boat at the shipyard, but does business with the shipyard, and to correct the spelling of names as needed. VOTING: unanimous (6-0); motion carried.

3. PUBLIC COMMENTS

Anne Marie Curley, Harbor Road, stated the legal owner of the section of Harbor Road going to the marina has not yet been confirmed (town staff is researching this matter) and the minutes should state this.

It was noted that the minutes reflect what was said at the meeting.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Those participating in 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.

SUB21-01\SP22-01\BLA21-03: Preliminary Plan for a two lot subdivision, site plan review for a proposed indoor hockey academy, and a .23 acre boundary line adjustment with the adjacent parcel at 4309 & 4385 Shelburne Road in the Mixed Use District, Residential District, and Stormwater Overlay District by Shenk Enterprises, LLC

David Shenk, Bryan Currier with O’Leary Burke Civil Engineering Associates, and John Pizzagalli appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 2/16/22. Ken Belliveau briefly outlined the proposal for a two lot subdivision and boundary line adjustment for a 30,000 s.f. hockey academy (Lot 1) to be developed under conventional zoning and a 16-unit assisted living facility (multi-family housing operated by the Howard Center) on Lot 2 to be developed under form based code. The proposal before the DRB is for the subdivision, boundary line adjustment, site plan approval for the hockey rink, and approval of a section of street on Lot 2 under form based code. Issues to be resolved include landscaping (must meet the bylaw) and access to private sewer lines shared by different parties for maintenance purposes. Comment has been received from the Shelburne Natural Resources Committee on the proposal. Also, VTrans has issued a 1111 permit for access to Route 7. There is minor work needed on the driveways onto Shelburne Road.

APPLICANT COMMENTS

David Shenk highlighted the following:

- Water and sewer – the drawings at Final Plan review will have more detail. An easement will be provided to the town for sewer line maintenance. The services will be private. Regarding location of the sewer pipe, it is preferred not to build more infrastructure than necessary for the sewer line because over time there is the liability of more infiltration into the ground water.

- Access, circulation, parking – Extending the street to the property line and eliminating one of the sidewalks is acceptable. The restaurant has 16 parking spaces and the hockey rink will have 30 spaces (total parking is 46 spaces).
- Outdoor lighting – lighting details will be included in the Final Plan.
- Landscaping – landscaping details will be included in the Final Plan.

There was discussion of ensuring there is adequate parking. Ken Belliveau stated there is opportunity for shared use parking between the restaurant and the rink. There is no standard for parking for hockey rinks in the regulations. Staff is proposing one space per 1,000 s.f. of space. It is prudent to limit the amount of impervious surface and still provide sufficient parking. Any expansion of the restaurant would need site plan approval. An accessible parking space is needed by the restaurant. David Shenk said an accessible space will be added, and any impervious surface will meet state stormwater standards. Bryan Carrier noted some of the spaces by the campground could be designated as future parking if needed. John Pizzagalli said the expected need for parking was calculated to avoid having to ask for more parking in the future.

PUBLIC COMMENT

Mark Cappis, resident, suggested looking at data from Cairns skating rink in South Burlington to help determine the number of cars in/out of the facility. John Pizzagalli pointed out Cairns operates a public skate session during the week in addition to hockey so the use is not exactly the same as the hockey academy.

DELIBERATION/DECISION

Preliminary Plan\Site Plan\Boundary Line Adjustment, Two Lot Subdivision and Indoor Hockey Academy, 4309 & 4385 Shelburne Road, Shenk Enterprises, LLC (SUB21-01\SP22-01\BLA21-03)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record and direct staff to prepare a decision to approve the Preliminary Plan review for SUB21-01\SP22-01\BLA21-03 for a two lot subdivision and indoor hockey academy and boundary line adjustment with the adjacent parcel at 4309 & 4385 Shelburne Road by Shenk Enterprises, LLC with the following conditions:

1. **The applicant shall file an application for Final Plan and Plat approval within one year from the date of this approval that meets all the applicable sections of the Shelburne Zoning Bylaws, the Shelburne Subdivision Regulations, and the Shelburne Road Form Based Overlay District as applicable to each portion of the proposed development or this authorization shall expire.**
2. **The applicant shall provide any outstanding letters with comments from any applicable town departments and agencies with their comments and concerns regarding the proposed development.**
3. **The applicant shall provide one handicap parking space area next to the Dutch Mill Restaurant.**
4. **The applicant shall re-route the on-site sewer lines to avoid the stormwater ponds and shall provide suitable easement(s) for maintenance and repair of any shared water or sewer lines.**

5. The applicant shall obtain documentation of the ability to serve the proposed new development with municipal water and sewer service.
6. The applicant shall demonstrate full compliance with Shelburne’s outdoor lighting standards as described in Section 1975.
7. The applicant shall fully improve the proposed street on Lot 2 (AS 50-22) to the easterly property line with the campground property, but shall omit paving one of the sidewalks along the travel lanes.
8. The Final Plan and Plat application shall depict the details of all the development on the subject property including the full development of any proposed buildings, roads, sidewalks, parking areas and landscaping.
9. All proposed development shall meet the requirements of the applicable sections of the Shelburne Zoning Bylaws, Public Works Specifications, and requirements of VTrans for access to Shelburne Road and any requirements of the VTDEC.

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

6. DISCUSSION OF HYBRID AND REMOTE DRB MEETINGS

The consensus of the DRB is in support of remote meetings.

7. OTHER BUSINESS

Administrative Approval(s)

CU03-02-R2 – Stairway material change at 240 Clearwater Road

Ken Belliveau explained the change to the conditional use approval is the change to concrete stairs in the bulkhead by the lake at 240 Clearwater Road.

Don Rendall asked if the concrete stairs will be faced with a material similar to the materials in the area. Staff will research the matter.

Correspondence

Allyson Myers noted receipt of an email, dated 1/20/22, regarding traffic on Route 7 and development in town in general, and an article on Safe Harbor Marina. Mark Sammut advised submittals for the record need to be sent to the DRB Coordinator directly.

Deadline for Submitting Materials

Mark Sammut noted in the past the DRB has accepted documents at a meeting to be read into the record. Ken Belliveau said if an individual has something to submit to the DRB that will be forwarded as well as placed in the submissions file online. All applicants are advised on the filing deadlines for their application materials.

Deliberative Session

Mike Major requested a deliberative session to discuss the shipyard application. Ken Belliveau advised under Vermont law the DRB can deliberate in deliberative session after closing the public hearing on an application. Staff can be present.

DRB Meeting Schedule

- March 2, 2022

- April 6, 2022
- April 20, 2022

8. ADJOURNMENT

MOTION by Mark Sammut, SECOND by Mike Major, to adjourn the meeting.

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

The meeting was adjourned at 8:28 PM.

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