

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  
March 15, 2023**

**MEMBERS PRESENT:** Mark Sammut (Chair); Mike Major, Allyson Myers, Bob Glover, David Hillman, Anne Bentley, Zeke Plante.  
**STAFF PRESENT:** Kit Luster, DRB Coordinator.  
**OTHERS PRESENT:** John Day, Chris Winsom, Bill Deming, Tracey Beaudin, Media Factory.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Minutes (2/15/23)
4. Applications:
  - Appeal by Cornelius and Eugenia Cowles of the decision of the Zoning Administrator regarding 282 Caspian Lane (A23-01)
  - Sketch Plan, Form Based Code, Multi-Family Building, 12 Units, 2689 Shelburne Road, David Shenk (FBZ23-01)
5. Other Business
6. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair, Mark Sammut, called the meeting to order at 7 PM.

**2. PUBLIC COMMENTS**

Mark Sammut recognized and thanked John Day for his service on the DRB noting his legal mind and knowledge will be missed. John Day's last meeting was in February 2023.

**3. MINUTES**

*February 15, 2023*

**MOTION by Mike Major, SECOND by Mark Sammut, to approve the minutes of 2/15/23 as presented. VOTING: 5 ayes, two abstentions (Anne Bentley, Zeke Plante); motion carried.**

**4. APPLICATIONS**

**A23-01: Appeal by Cornelius and Eugenia Cowles of the decision of the Zoning Administrator regarding 282 Caspian Lane**

Mark Sammut stated the appeal has been withdrawn and settled.

**FBZ23-01: Sketch Plan review under form based code for a 12 unit multi-family building at 2689 Shelburne Road in the Mixed Use District and SR-FBOD Mixed Use Street Character District by David Shenk**

David Shenk appeared on behalf of the application.

## STAFF REPORT

The DRB received a written staff report on the application, dated 3/15/23. Kit Luster reported the application is a sketch plan review which is optional if there is no subdivision. The applicant wanted feedback on the proposal for a 12 unit multi-family building on 1.97 acres at 2689 Shelburne Road. There is an existing 8 unit multi-family building on the parcel. No subdivision of the land is proposed. Further information from the applicant is needed on the weighted average of the 'build-to' zone shown on the site plan because the lot is split between two overlay districts, pedestrian access to Route 7 from the proposed multi-family building, and the access drive street type.

## APPLICANT COMMENTS

David Shenk stated:

- The proposal is straight forward for a 12-unit residential building (Type 3 building in form based code) with the entrances facing Route 7 every 50'.
- The building will have two floors with six units on each floor and be similar in appearance to the existing 8 unit building which fits well in the neighborhood (there have been no complaints from the neighbors about the building).
- Egress points are at the jogs in the building. There will be sidewalks connecting to Route 7.
- The weighted average of the build-to zone is shown on the plans. All setbacks are met. [DRB noted when there are overlapping zones, typically the zone that prevails is the one with the right-of-way at the front of the property though the regulations are not clear on how to handle overlapping zones.]
- There is more open space shown on the plan than required.
- Section 1111 Permit will be acquired.
- Lighting and landscaping details will be provided at Final Plan.
- A rear buffer is required under form based code with a project abutting residential property. There is a fence, but not on the east property line because there is an existing 40' vegetative hedge. [DRB said the hedge appears to satisfy the buffer requirement and suggested a google image be included in the submittals for the proposal.]
- Water, sewer, and stormwater details will be engineered following discussion with the appropriate town departments.
- The trash container will be concealed with a roof and siding.
- The access drive is a driveway (ingress/egress to the property), not a street. No new street types are proposed. Street types come into play when streets to frontage zones are being created.
- The deli is not part of the project and will be removed from the site plan.

There was discussion of the setback of the existing and proposed buildings. The applicant indicated the proposed building will be farther back than the liquor store. Mark Sammut observed the location is a happy medium – not built to the street which would be an anomaly in the area and not pushed too far back.

There was discussion of the existing single family house on the property that was to be removed by the applicant with the prior project. The applicant confirmed the building will be removed once the situation with the existing tenants is resolved (this is underway). The curb cut will be removed. At this point in time there are no development plans for the lot. Allyson Myers spoke in support of having as much green space as possible.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Sketch Plan, Form Based Code, Multi-Family Building, 12 Units, 2689 Shelburne Road, Shenk (FBZ23-01)

**MOTION by Mark Sammut, SECOND by David Hillman, to finalize the record, close the hearing, and direct staff to prepare a memorandum with the following recommendations:**

- 1. An application for form based code development shall include a complete site plan application for DRB consideration addressing all applicable standards of the Shelburne Zoning Bylaw, in particular the standards detailed in Article XXII (SR-FBOD) for the Mixed Use Street District.**
- 2. The applicant shall submit documentation of a Section 1111 Permit from VTrans approving access from Shelburne Road.**
- 3. Approval of capacity to serve will be required from the Shelburne Water and Wastewater departments.**
- 4. Connection to town water and sewer will be in conformance with Shelburne's Public Works Standards.**
- 5. The applicant shall consult with Shelburne Fire Department and Shelburne Public Works and address any concerns with the proposal.**

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

There was mention of possible glitches in the code that need to be addressed by the Planning Commission relative to defining a zone (two numbers are needed to define the zone, not one) and relative to an overlay or zoning district bisecting a property.

#### **5. OTHER BUSINESS**

*Administrative Approvals*

Staff briefly reviewed the administrative approvals for Wake Robin (pavilion, stone wall replacement, landscaping) and Shelburne Athletic Club (deck and shed).

*Thanks to Zeke Plante*

Thanks and appreciation for his service on the DRB were extended to Zeke Plante who was attending his last meeting as a member of the DRB.

*Welcome to Bob Glover*

Bob Glover was welcomed as a full member of the DRB. Bob Glover served as an alternate previously.

*Meeting Schedule*

The DRB will meet on April 5, 2023 and April 19, 2023 to review applications and hold the annual organizational meeting.

**6. ADJOURNMENT**

**MOTION by Anne Bentley, SECOND by Mark Sammut, to adjourn the meeting.**

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

The meeting was adjourned at 7:54 PM.

*RScty by tape: MERiordan*