

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 17, 2021

***Meeting held by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); David Hillman, Mike Major, John Day, Anne Bentley, Doug Griswold, Zeke Plante.
STAFF PRESENT: Dean Pierce, Planning Director; Dan Albrecht, Acting DRB Coordinator.
OTHERS PRESENT: Jack Milbank, Gail Albert, Dave Marshall, Brian Precourt, Anne & David Elston, Peter Ewing, Michael Koch.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (3/3/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan\Conditional Use, Amend Mixed Use PUD, Building Addition and New Commercial Use, 3871 Shelburne Road, Precourt Investment Co., LLC (SUB10-03R1\CU21-04)
 - Conditional Use\Variance\Site Plan, Expand Noncomplying Bulkheads and Repair/Stabilization Work, 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R1\V21-06\SP94-09R1)
 - Preliminary Plan, PUD Subdivision, Two Lots, 161 Dorset Hill Lane, Anne & David Elston (SUB20-03)
 - Conditional Use, Two Bedroom Cottage, 3735 Harbor Road, Bryan Cairns Family Trust (CU21-05)
6. Discussion with Peter Ewing re: Pending Application
7. Other Business
8. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the teleconference meeting to order at 7 PM, held rollcall, and explained the procedure to be followed.

2. MINUTES

March 3, 2021

MOTION by John Day, SECOND by Doug Griswold, to approve the 3/3/21 minutes as presented. VOTING by rollcall: unanimous (7-0); motion carried.

3. PUBLIC COMMENTS

There were no comments at this time from the public.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

There were no announcements of 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.

SUB10-03R1\CU21-04: Sketch Plan\Conditional Use to amend a Mixed Use PUD for a new commercial use within a 3,400 s.f. addition at 3871 Shelburne Road in the Mixed Use District and Floodplain Overlay and Stormwater Overlay District by Precourt Investment Co., LLC

Brian Precourt appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 3/17/21. Dan Albrecht noted the proposal is a significant change from the earlier PUD approval so the review is Sketch Plan. Construction services is a permitted use. The DRB should ask about the amount of disturbed area, landscaping and additional plantings, parking details such as the location of handicap spaces and a bike rack. Staff recommends the Conditional Use application be denied without prejudice because it is not right for consideration at this time. Conditional Use applications typically are not submitted at Sketch Plan review, but are considered at Preliminary Plan review.

APPLICANT COMMENTS

Brian Precourt said the proposed 3,400 s.f. wood frame garage addition will look like a short barn to blend with the site. The other barns on the property have been restored. There is extensive landscaping and existing mature trees on the property including an American chestnut. A hedge will be added to screen the parking. Additional plantings (pine trees) are not needed. The two large open fields are hayed each year. There will be 6,500 s.f. of impervious surface added which is less than an acre so state and town stormwater permits should not be required (the engineer will confirm this). The property will be used for construction services.

Following discussion, the DRB concurred additional landscaping on the site is not necessary.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan\Conditional Use, Amend Mixed Use PUD, Building Addition and New Commercial Use, 3871 Shelburne Road, Precourt (SUB10-03R1\CU21-04)

MOTION by John Day, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision indicating Sketch Plan approval, but not Conditional Use approval which will be addressed at Preliminary and Final

Plan review, and to classify the application as a Major Subdivision and authorize the applicant to file a Preliminary Plan Review application for SUB10-03R1 for construction of a 3,400 s.f. addition to a house for a new commercial use of construction support services at 3871 Shelburne Road with the following recommendations:

1. The applicant will provide review letters from the town departments or agencies listed in the Shelburne Subdivision Regulations, Section 600(28), prior to submitting the Preliminary Plan Review application.
2. Along with the Preliminary Plan Review application the applicant will respond to Section 1930.4 – Mixed Use PUD.
3. Along with the Preliminary Plan Review application the applicant will respond to Section 1900 – Site Plan Review.
4. The applicant will submit the development plans to the Shelburne Public Works Director prior to filing for Preliminary Plan review for comment and recommendations based on the Shelburne Public Works Specifications.
5. Along with a Preliminary Plan Review application the applicant should respond to the specific standards contained in Article IX – Development Requirements and Design Standards.

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

CU20-04R1\V21-06\SP94-09R1: Conditional Use\Variance\Site Plan for expansion of noncomplying bulkheads and repair/stabilization work at 4584 Harbor Road in the Rural District and Lakeshore Overlay and Floodplain and Watercourse Overlay District by SHM Shelburne, LLC

John Day mentioned he launches and stores a boat at Shelburne Shipyard. Doug Griswold disclosed his family owned the shipyard for 40 years. Following discussion, the DRB felt there was no need for recusal by either member.

Dave Marshall with CEA appeared on behalf of the application.

STAFF REPORT

The DRB received a staff report on the application, dated 3/17/21. Dean Pierce reported the shipyard is in the Lakeshore Overlay District with parts of the property in the flood zone. The structure is noncomplying. The bulkheads along the shoreline will be changed so the structure will be made slightly larger. The shipyard is an historic property with structures so staff recommends checking with Vermont Historic Preservation on the proposal.

APPLICANT COMMENTS

Dave Marshall reviewed the site plan and showed photos of the timber cribbing system along the shoreline that is failing and sliding into the lake. The replacement of the bulkheads was described (Mr. Marshall noted the bulkheads are not mentioned as historic structures in any of the documentation). The bulkhead is a nonconforming structure that extends into the lake. To do a de minimis type of repair is still an expansion. Below the 93' elevation is within the Army Corps. of Engineers jurisdiction, but above that

elevation is town and state jurisdiction. A variance is needed from the town for the work in the floodplain because a marina has no choice but to be on the lake.

After viewing the photos of the bulkheads, the DRB concurred the deterioration needs to be addressed and if further ignored would adversely impact an historic structure. There was further discussion and description of the sheet piling and back fill work to be done as well as the improvement to the stormwater management on the site.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Variance\Site Plan, Expand Noncomplying Bulkheads and Repair/Stabilization Work 4584 Harbor Road, SHM Shelburne, LLC (CU20-04R1\V21-06\SP94-09R1)

MOTION by John Day, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU20-04R1 and V21-06 and SP94-09R1 for work on historic bulkheads /cribbing located partially in the Special Flood Hazard Zone at 4584 Harbor Road by SHM Shelburne, LLC with the following conditions:

- 1. A zoning permit shall be required prior to commencing any site work pursuant to Shelburne Zoning Bylaws, Section 2010.1.**
- 2. As part of any zoning permit application initiating the project, the applicant shall furnish the Planning & Zoning Office with an ANR Project Review Sheet.**
- 3. The project shall be implemented in conformance with plans and any town-approved or required changes.**
- 4. Before submitting plans with a zoning permit application, the applicant shall address any concerns regarding stormwater management expressed by Shelburne Water Quality Superintendent, Chris Robinson.**
- 5. As part of any zoning permit application initiating the project, the applicant shall provide evidence from the Vermont Division of Historic Preservation that the proposal to encapsulate the bulkheads/cribbing does not or would not affect the bulkheads/cribbing status as an historic structure.**

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

SUB20-03: Preliminary Plan for a two lot PUD subdivision at 161 Dorset Hill Lane in the Rural District and Stormwater Overlay District by Anne & David Elston

Michael Koch with CEA and Anne and David Elston appeared on behalf of the application.

STAFF REPORT

The DRB received a staff report on the application, dated 3/17/21. Dan Albrecht explained the proposal to re-subdivide 33.11 acres into a two lot residential PUD with an existing dwelling on Lot 2 of the PUD. The DRB should asked about the need for more landscaping and provisions for pedestrian traffic (sidewalk, path).

APPLICANT COMMENTS

Mike Koch said the project is screened from public view so additional landscaping is not necessary. The two lot PUD is in the Rural District and will have 60% open space. The houses will have onsite sewer and water. There will be no pedestrian traffic. The access lane will be widened to accommodate firetrucks.

David Hillman who is a neighbor confirmed the area is well screened and there is no pedestrian traffic.

Gail Albert, Shelburne Natural Resources Committee, said the committee made suggestions on the open space and has no objections to the proposal.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Preliminary Plan, PUD Subdivision, Two Lots, 161 Dorset Hill Lane, Elston (SUB20-03)

MOTION by Mike Major, SECOND by Doug Griswold, to finalize the record, close the hearing, and direct staff to prepare a decision indicating Preliminary Plan approval of SUB20-03 by Anne & David Elston for a two lot PUD at 161 Dorset Hill Lane with the following conditions:

1. The project shall be constructed in conformance with the approved plans.
2. No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of the subdivision or to meet the requirement so the Shelburne Zoning Bylaws.

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

CU21-05: Conditional Use to remove and replace a non-conforming camp with a two bedroom cottage in an alternate location at 3735 Harbor Road in the Rural District and Lakeshore Overlay and Floodplain and Watercourse Overlay District by Bryan Cairns Family Trust

Jack Milbank with CEA and Bryan Cairns appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 3/17/21. Dan Albrecht explained the proposal to remove a non-complying camp and replace it with a two bedroom cottage in a different location.

APPLICANT COMMENTS

Jack Milbank said application will be made for a permit to cut vegetation.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Two Bedroom Cottage, 3735 Harbor Road, Cairns (CU21-05)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU21-05, Conditional Use application by Bryan Cairns Family Trust to remove a pre-existing nonconforming camp and replace it with a compliant two bedroom cottage with the following recommendations:

1. **The project shall be constructed in conformance with the approved plans.**
2. **No topsoil, sand or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of the subdivision or to meet the requirements of the Shelburne Zoning Bylaws.**
3. **A zoning permit shall be required prior to any improvements being made.**
4. **A Certificate of Occupancy shall be required.**
5. **The applicant will comply with applicable town regulations relating to vegetative cutting.**

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

6. DISCUSSION WITH PETER EWING re: PENDING APPLICATION

Peter Ewing noted the following on the PUD amendment:

- There will be no new lots or houses.
- Shelburne Fire Dept. has allowed interior sprinklers in the buildings so the pond is eliminated.
- The road will be straightened.
- Forty (40) acres are preserved as open space in the deeds and homeowner association agreement.
- The land is in active farming (current use).
- The purchase of 45 acres by Vermont Land Trust and Bread & Butter Farm fell through. The agreement with Vermont Land Trust to build a house on the property will not happen so there will be one less house in the PUD and no money needed from Shelburne's open space fund.
- Thirty-eight (38) acres were sold to The Nature Conservancy to meet the open space requirements.
- The site plan has been revised to reflect the changes noted. The goal is to create a small working farm on the parcel.
- The homeowner association agreement has legal language to prohibit further subdivision of the land.

7. OTHER BUSINESS/CORRESPONDENCE

Doug Griswold was thanked for his service on the DRB (this was his last meeting).

8. ADJOURNMENT

MOTION by Mark Sammut, SECOND by John Day, to adjourn the meeting.

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

The meeting was adjourned at 9:03 PM.

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