

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 20, 2019**

MEMBERS PRESENT: Jeff Pauza (Chair); Mark Sammut, John Day, David Hillman, Doug Griswold. (Norm Blais was absent.)
STAFF PRESENT: Ravi Venkataraman, DRB Administrator.
OTHERS PRESENT: Andy and Catherine Collette, David Abbott, Paul Irish, Carol Irish, Matt Chandler, Diane Chandler, Jed Graef, Alison Gardner, Dave Marshall, Laurie Kotorman, Mark Kotorman, Peggy Coutu, Kathy Kuck, Jesusa Krag.

AGENDA:

1. Call to Order and Announcements
2. Deliberative Session
3. Public Comment
4. Approval of Minutes (2/6/19, 2/20/19, 3/6/19)
5. Disclosures/Potential Conflicts of Interest
6. Applications
 - Boundary Line Adjustment, 7041 Spear Street and 7043 Spear Street, Lloyd Irish (BLA19-01)
 - Sketch Plan, Subdivision, Two Lots, 92 Irish Hill Road, Jesusa and David Krag (SUB19-01)
 - Sketch Plan, Re-Subdivision, Two Lots, 2800 Shelburne Road, APC Properties, LLC (SUB19-02)
 - Sketch Plan, Subdivision, Two Lots, 1 Nashville Road, Laurie and Mark Kotorman (SUB19-03)
 - Pre-Application Conference, Residential PUD, 33 Thomas Road, Three Jewels, LLC (SUB19-04)
7. Annual Reorganizational Meeting
8. Other Business
9. Adjournment

1. CALL TO ORDER and ANNOUNCEMENTS

2. DELIBERATIVE SESSION

The DRB met in deliberative session at 6 PM. The regular meeting was convened at 7 PM.

Jeff Pauza thanked Lauren Giannullo for her service on the DRB and wished her well in her endeavors. Ms. Giannullo resigned due to other commitments.

3. PUBLIC COMMENTS

There were no comments from the public at this time.

4. MINUTES

February 6, 2019

MOTION by John Day, SECOND by Doug Griswold, to approve the 2/6/19 minutes as revised:

- **Comments/questions from Mark Sammut relative to a 25 year storm event and drainage on Mount Philo Road following review of the 2/6/19 DRB meeting tape include:**
 - **Mark Sammut to Andy Rowe: With a reasonable amount of certainty you can design and execute this plan such that you would not see any increase in water or any water leaving the site going across to the eastern side of Mount Philo Road. Andy Rowe answered yes.**
 - **Mark Sammut to Andy Rowe: In your opinion per the existing conditions plan and the proposed conditions plan given the existing and proposed contours on Lots 2 and 3 you are going to be intercepting a lot of water that would typically run across Lot 1 and directing it into your storm water treatment facility. Andy Rowe answered yes and added the culvert across the front of Lot 1 will be shortened increasing the length of the ditch to intercept water. Mark Sammut commented: Given what I know I think that would greatly improve the situation.**
 - **Mark Sammut to a resident on Mount Philo Road: Have you ever seen the ditch fill up during a rain event where water was over-topping Mount Philo Road. The resident answer not that he can recall.**

VOTING: unanimous (5-0); motion carried.

February 20, 2019

MOTION by John Day, SECOND by Mark Sammut, to approve the 2/20/19 minutes as drafted. VOTING: unanimous (5-0); motion carried.

March 6, 2019

MOTION by John Day, SECOND by Doug Griswold, to approve the 3/6/19 minutes as drafted. VOTING: unanimous (5-0); motion carried.

5. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

None.

6. 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.

BLA19-01: Boundary Line Adjustment between 7041 Spear Street and 7043 Spear Street in the Rural District and Stormwater Overlay District by Lloyd Irish

Paul Irish appeared on behalf of the application.

Submittals:

- Boundary Line Adjustment Application, received 12/12/18

- Boundary Adjustment Plat, received 12/12/18
- Correspondence between the applicant and staff, dated 1/3/19
- Memorandum from Dean Pierce for the Planning Commission regarding bylaw amendments, dated 10/26/18 and included in the 2/12/19 Selectboard meeting packet
- Town of Shelburne Zoning Bylaws, last amended March 5, 2019, specifically Article III
- Town of Shelburne Staff Report, dated 3/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 3/20/19. Ravi Venkataraman explained with the boundary line adjustment the lot at 7041 Spear Street will be five acres (formerly 5.015 acres) and the lot at 7043 Spear Street will be 14.723 acres (formerly 14.706 acres). There are no nonconformities created with the adjustment.

APPLICANT COMMENTS

Paul Irish said 25 years ago the property was one large parcel that was subdivided into two lots. Mr. Irish said he owns one lot and his sister owns the other lot.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 7041 Spear Street and 7043 Spear Street, Irish (BLA19-01)
MOTION by John Day, SECOND by Mark Sammut, to finalize the record and close the hearing for BLA19-01, and direct staff to prepare a decision to indicate approval of the boundary line adjustment between 7041 Spear Street and 7043 Spear Street by Lloyd Irish with the condition the Mylar shall be recorded within 180 days of the approval pursuant to the Shelburne Subdivision Regulations, Section 1030.
VOTING: unanimous (5-0); motion carried.

SUB19-01: Sketch Plan for a two lot subdivision at 92 Irish Hill Road in the Shelburne Falls Mixed Use District by Jesusa and David Krag

Jesusa Krag appeared on behalf of the application.

Submittals:

- General Application Form, received 2/25/19
- Sketch Plan Application Form, received 2/25/19
- State Permit Disclosure and Applicant Certification, received 2/25/19
- Correspondence between the applicant and the State Regional Permit Specialist, received 2/25/19
- Site Plans and Maps, received 2/25/19
- Town of Shelburne Staff Report, dated 3/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 3/20/19. Ravi Venkataraman explained the two lot minor subdivision is in the Falls Road Mixed Use District. The .98 acre lot will be subdivided into Lot A (.47 acres at the front of the parcel) and Lot B (.51 acres at the back of the parcel). Access is proposed to be a 20' wide right-of-way which is in conformance with the regulations, but staff is recommending the existing driveway be used rather than create a new curb cut. The applicant needs to submit a storm water management plan with the Final Plan application.

APPLICANT COMMENTS

Jesusa Krag said the previous plan was to create a lot for a family member, but the person passed away. Using the existing driveway for both lots is fine.

PUBLIC COMMENT

Betty Coutu, neighbor, commented there will be lots of cars in and out of the existing driveway if a new curb cut/access is not created. John Day confirmed the reason to use the existing driveway is the line of sight with the new curb cut. Ravi Venkataraman said the Highway Superintendent recommended the existing driveway be used. The applicant will be required to get comments from the Highway Department at the next review.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 92 Irish Hill Road, Krag (SUB19-01)

MOTION by Mark Sammut, SECOND by John Day, to classify SUB19-01 for a two lot subdivision at 92 Irish Hill Road as a minor subdivision, finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicants (Jesusa, David, and Peter Krag) to prepare a Final Plan application for SUB19-01 with the following recommendations:

- 1. The applicant must obtain comments from appropriate town departments and include the comments in the Preliminary Plan application as stipulated under the Shelburne Subdivision Regulations, Section 600(28).**
- 2. Pursuant to the Shelburne Subdivision Regulations, Section 920, access to the proposed primary structure on proposed Lot A should be through the existing driveway.**
- 3. Pursuant to the Shelburne Subdivision Regulations, Section 970, the applicant should provide a stormwater management plan with the Final Plan application.**

VOTING: unanimous (5-0); motion carried.

SUB19-02: Sketch Plan for a two lot re-subdivision at 2800 Shelburne Road in the Mixed Use District and Stormwater Overlay District by APC Properties, LLC

Dave Marshall with CEA and Andy Collette appeared on behalf of the application.

Submittals:

- Cover letter prepared by Civil Engineering Associates, Inc., received 2/12/19
- General Application Form, received 2/12/19
- Sketch Plan Review application, received 2/12/19

- Proposed Mixed Use Subdivision : Review of Town Plan Housing Objectives, received 2/12/19
- Proposed Mixed Use Subdivision: Summary of Applicable Planning Standards, received 2/15/19
- Land Use: 210 – Single Family Detached Housing from the ITE Trip Generation Manual 10th Edition, received 2/12/19
- Wildlife and Endangered Species Mapping from Vermont Agency of Natural Resources, received 2/12/19
- Wetland Mapping from Vermont Agency of Natural Resources, received 2/12/19
- Site Plans, received 2/12/19
- Town of Shelburne Staff Report, dated 3/20/19

STAFF REPORT

The DRB received a written staff report on the application, dated 3/20/19. Ravi Venkataraman explained the proposal to subdivide 3.76 acres into a 2.8 acre lot with an existing retail use and a .96 acre lot for a single family residence. The proposal is a re-subdivision of two previous subdivisions in 1985 with 10 lots making the total number of lots created to be 12 which is a major subdivision. The plan needs to show the setback from Wild Rose Circle. Shelburne Natural Resources Committee has submitted comments on the application.

APPLICANT COMMENTS

Dave Marshall said the commercial portion of the 3.7 acre lot will be separated from the residential portion. Mr. Marshall suggested for future consideration the Planning Commission consider looking at the number of lots created over the past 10 years so the application could be considered a minor subdivision.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Re-Subdivision, Two Lots, 2800 Shelburne Road, APC Properties, LLC (SUB19-02)

MOTION by John Day, SECOND by Mark Sammut, to finalize the record and close the hearing for SUB19-02 for a two lot re-subdivision at 2800 Shelburne Road and direct staff to prepare a decision authorizing the applicant, Civil Engineering Associates, Inc. on behalf of APC Properties, LLC, to prepare a Preliminary Plan application with the following recommendations:

- 1. The applicant must obtain comments from appropriate town departments and include the comments in the Preliminary Plan application as stipulated in the Shelburne Subdivision Regulations, Section 600(28).**
 - 2. The setback shall be redrawn on the plan consistent with Section 2110.146.**
- VOTING: unanimous (5-0); motion carried.**

SUB19-03: Sketch Plan for a two lot subdivision at 1 Nashville Road in the Residential District, Stormwater Overlay District, Floodplain and Watercourse Overlay District by Laurie and Mark Kotorman

Dave Marshall with CEA and Laurie and Mark Kotorman appeared on behalf of the application.

Submittals:

- Sketch Plan Review Application, received 2/6/19
- Property Owner Authorization Form, received 2/6/19
- Site Plans, received 2/6/19
- Town of Shelburne Staff Report, dated 3/20/19

The following letters/emails were also submitted for the record:

- Diane Chandler, 157 Kelady Drive, dated 3/17/19
- Matt Chandler, 157 Kelady Drive, dated 3/17/19
- Piper and David Abbot, 133 Kelady Drive, dated 3/18/19
- Laurie Smith, 178 Kelady Drive, dated 3/18/19
- David & Kathryn Leo-Nyquist, 178 Kelady Drive, 3/18/19

STAFF REPORT

The DRB received a written staff report on the application, dated 3/6/19. Ravi Venkataraman explained the proposal to subdivide 12.38 acres with a mobile home park into Lot 1 consisting of 7.29 acres and the existing mobile home use and Lot 2 consisting of 5.09 acres for a two-family dwelling unit. The existing conditional use application needs to be amended and a site plan done for the mobile home park. A 20' wide right-of-way will be the access to the two-family dwelling.

APPLICANT COMMENTS

Dave Marshall reviewed the subdivision proposal.

Mark Sammut asked if there will be a pump station for the sewer system. Dave Marshall said there is an existing pump station in the trailer park, but the new proposal may be a gravity service or pump station. The mobile home park has municipal water service. The sewer and water lines will be in the corridor along the side of the driveway.

Laurie Kotorman said they did have an AirBnB business, but would have stopped if they knew the neighbors were so frustrated. There is no communication in the neighborhood. The plan is to sell the house and downsize to live in the two-family dwelling. The gardens and landscaping will continue. Ms. Kotorman said her father owns the property and they have worked with the people in the trailer park on the problems.

Doug Griswold asked if the other unit in the duplex will be rented. Ms. Kotorman said yes.

PUBLIC COMMENT

David Abbott, Kelady Drive, read a statement from Lawrence Smith, 178 Kelady Drive, urging the DRB to move through the subdivision process slowly to ensure the needs of the developer and abutters are met, and to continue review of the proposal to the DRB meeting in May to allow him to attend in person and make comment. The DRB is also urged to do a site visit.

David and Piper Abbot, 133 Kelady Drive, read a statement expressing concern the subdivision proposal will result in a house being built outside the homeowners association rules which do not allow short term rentals (out of character with the development). The Kotormans incorporated the proposed subdivided lot into one large parcel so adding a duplex would give the appearance of two houses on one lot. The new gravel driveway will be 40' from Kelady Drive. The existing tree buffer on the berm will be removed. There is concern about the impact on the value of the houses in the neighborhood by the proposal.

Matt and Diane Chandler, 157 Kelady Drive, said the letter he submitted expressed his concerns with the proposed subdivision. Mr. Chandler said he built the berm at a cost of \$7,000 as a buffer to the trailer park activities (trash, vandalism, delinquent behavior). The proposed subdivision creates a visual corridor into the trailer park and exposes Kelady Drive to the transient, rental based community. Additionally, Brentwood Drive is a narrow road with children and cars. The proposed subdivision will increase traffic. Diane Chandler stressed the concern about the natural area being removed. There is a tributary to Monroe Brook that will be impacted.

Kathy Kuck, 78 Nashville Road and resident in the trailer park for the past 14 years, acknowledged there have been troubles in the park, but many people are law abiding, employed people who maintain their property. The Kotormans have beautiful gardens on their property and likely will not cut down all the trees.

David and Kathy Leo-Nyquist, 178 Kelady Drive, said there have been conversations at the homeowners association meetings, but there should be conversations within the neighborhood as well with all the neighbors.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 1 Nashville Road, Kotorman (SUB19-03)

The consensus of the DRB is to do a site visit on April 16, 2019 at 7 PM.

John Day said it would be helpful to confirm that the AirBnB conforms to the town regulations. Ravi Venkataraman said the rules of the homeowners association govern the neighborhood. The town does not have an ordinance on short term rentals. The town has received complaints about AirBnB rentals.

Jeff Pauza asked about the lots along Kelady Drive when the subdivision was planned. Ravi Venkataraman said Lawrence Smith was the original developer and would like the opportunity to provide testimony.

MOTION by Mark Sammut, SECOND by Doug Griswold, to continue SUB19-03 for a two lot subdivision at 1 Nashville Road by Laurie and Mark Kotorman until May 1, 2019. VOTING: unanimous (5-0); motion carried.

SUB19-04: Pre-Application Conference for a Residential Planned Unit Development at 33 Thomas Road in the Rural District and Floodplain and Watercourse Overlay District by Three Jewels, LLC

Doug Griswold disclosed he made an offer on the property at 33 Thomas Road that was not accepted. The DRB felt there is no conflict of interest and recusal is not necessary.

Jed Graef appeared on behalf of the pre-application conference.

STAFF REPORT

The DRB received a staff memo, dated 3/14/19, on the proposal for three single family dwelling sites in the PUD on 28.5 acres.

APPLICANT COMMENTS

Jed Graef said the property is 28.5 acres, but the portion by the LaPlatte River is not developable. The Haag family sold the property. Three large houses were envisioned, but after further consideration it was felt this would change the nature of the neighborhood so the houses will be clustered and the surrounding land will remain open. There have been conversations with Vermont Land Trust and Shelburne Natural Resources Committee. The land is hayed which will continue. One of the landowners will build a house to live in while the other two landowners will sell their lots if they do not build.

Doug Griswold asked if the neighbors are aware of the plans. Jed Graef said the Zen Center had no concerns and the Winstons have not yet been contacted, but this will be done.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Pre-Application Conference, Residential PUD, 33 Thomas Road, Three Jewels, LLC (SUB19-04)

The consensus of the DRB is the project appears to be feasible and worthy of further review. The applicant should continue to develop the plan.

7. ANNUAL ORGANIZATIONAL MEETING

Chair

MOTION by David Hillman, SECOND by Mark Sammut, to nominate Jeff Pauza as Chair of the Shelburne DRB. There were no other nominations. VOTING: unanimous (5-0); motion carried.

Jeff Pauza is Chair of the Shelburne DRB.

Vice Chair

MOTION by Jeff Pauza, SECOND by Doug Griswold, to nominate David Hillman as Vice Chair of the Shelburne DRB. There were no other nominations. **VOTING: unanimous (5-0); motion carried.**

David Hillman is Vice Chair of the Shelburne DRB.

Clerk

MOTION by Jeff Pauza, SECOND by Doug Griswold, to nominate John Day as Clerk of the Shelburne DRB. There were no other nominations. **VOTING: unanimous (5-0); motion carried.**

John Day is Clerk of the Shelburne DRB.

8. OTHER BUSINESS/CORRESPONDENCE

None.

9. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by Mark Sammut, SECOND by Doug Griswold, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 8:09 PM.

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