

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
May 5, 2021**

***Meeting held by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); John Day, David Hillman, Mike Major, Anne Bentley, Allyson Myers, Robert Miller. (Zeke Plante was absent.)

STAFF PRESENT: Dan Albrecht, Acting DRB Coordinator

OTHERS PRESENT: Gail Albert, Joyce George, Ted Grozier, Doug Osborne, Jessica Louisos, Brad Young, Joe Flynn, Roger and Susan Klaffky.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (4/21/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use, Lamprey Control Barrier, Falls Road Bridge, US Fish & Wildlife Service (CU21-08)
 - Boundary Line Adjustment, 110 Mt. Philo Road to 106 Mt. Philo Road, Roger Klaffky and Romona Muzzy (BLA21-02)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the teleconference meeting to order at 7 PM and welcomed Robert Miller, DRB alternate.

2. MINUTES

April 21, 2021

MOTION by John Day, SECOND by Allyson Myers, to approve the 4/21/21 minutes as presented.

DISCUSSION:

- **John Day noted at the last meeting legal counsel for the Ewing application agreed in response to a question that unanimous homeowners association vote would be sufficient to amend the deeds.**

VOTING by rollcall: 6 ayes, one abstention (Robert Miller); motion carried.

3. PUBLIC COMMENTS

Congratulations were extended to Dean Pierce, Shelburne Planning Director, for receiving the “VPA Career Achievement Award for Excellence in Planning” from the Vermont Planners Association.

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.

CU21-07: Conditional Use for a lamprey control barrier within the riverbed of the LaPlatte River downstream of the Falls Road Bridge in the Special Flood Hazard Overlay District and the Conservation District (construction access at 128 Falls Road) by U.S. Fish & Wildlife Service

Jessica Louisos and Doug Osbourne, engineers on the project, and Brad Young, Fish & Wildlife, appeared on behalf of the application.

STAFF REPORTS

The DRB received an emailed staff report on the application and a memo from Jessica Louisos, dated 3/16/21. Dan Albrecht reviewed the regulations and permits that apply to the project. Notice is required to be sent to surrounding communities. This was sent out on April 30, 2021. Staff recommendation is to continue the hearing until May 19, 2021 to allow any comments to be received.

APPLICANT COMMENTS

Jessica Louisos stated it is standard for a town to notify surrounding communities for any project in the floodplain. Zoning requirements have been met (Section 1830). Application has been made for a stream alteration permit which is presently under review by the state and Army Corps of Engineers. Shelburne Highway Superintendent, Paul Goodrich, has been contacted about the construction site and what will be in the right-of-way before and after construction. She noted that with regards to the language in the bylaw regarding providing copies of the notifications to the Federal Insurance Administration that the Vermont DEC Rivers Program Manager had emailed her to say that given the small scale nature of this project that this requirement is not applicable.

Brad Young gave an overview of the project to allow treatment to reduce the number of lamprey produced in the LaPlatte River. Lampreys are impacting the lake. Treatment upstream was not feasible. There are many similar barriers across the country, but the design of the barrier on the LaPlatte River is a unique solution which likely would only work at this site. The design was reviewed by an expert who monitors hundreds of these barriers in the Great Lakes. VT Fish & Wildlife will maintain the barrier. Maintenance will be minimal.

A rendering of the barrier and the location in the LaPlatte River was shown.

John Day asked about impact on migrating fish. Jessica Louisos said Vermont Fish & Wildlife had no concerns for migrating species and are comfortable with permitting the barrier. John Day commented that it appears there will be no impact on surrounding communities by the barrier so it may not be necessary to continue the hearing for

comments. Dan Albrecht pointed out there will be opportunity to receive comments when the zoning permit is issued.

PUBLIC COMMENT

Ted Grozier, Shelburne Paths Committee, asked if the pedestrian bridge above the site will be impacted. Jessica Louisos said CAD plans for both projects were overlaid and there are no conflicts. In addition, the barrier will be constructed this year and the pedestrian bridge next year.

Gail Albert, Shelburne Natural Resources Committee, said the applicant has been working with the committee and has addressed any concerns.

DELIBERATION/DECISION

Conditional Use, Lamprey Control Barrier, Falls Road Bridge, U.S. Fish & Wildlife (CU21-08)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision indicating Conditional Use approval of CU21-08 for a lamprey control barrier within the riverbed of the LaPlatte river downstream of the Falls Road Bridge with construction access via property at 128 Falls Road (pre-911) in the Conservation District and Special Flood hazard Overlay District by U.S. Fish & Wildlife with the condition a zoning permit shall be required prior to any improvements being made. VOTING by rollcall: unanimous (7-0); motion carried.

BLA21-02: Boundary Line Adjustment from 110 Mt. Philo Road to 106 Mt. Philo Road in the Residential District and Stormwater Overlay District by Roger Klaffky and Romona Muzzy

Joe Flynn with O’Leary Burke Civil Associates, and Roger and Susan Klaffky appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 5/5/21. Dan Albrecht explained the boundary line adjustment to transfer 690 s.f. from property at 110 Mt. Philo Road to 106 Mt. Philo Road. Setbacks and lot size requirements are met.

APPLICANT COMMENTS

Joe Flynn said a survey has been done for the additional HVAC units which will not be in the setback.

Roger Klaffky noted the purpose of the boundary line adjustment is to remove the HVAC equipment from the setback.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Boundary Line Adjustment, 110 Mt. Philo Rd. to 106 Mt. Philo Road, Klaffky/Muzzy (BLA21-02)

MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing, and approve the boundary line adjustment for 110 Mt. Philo Road and 106 Mt. Philo Road (BLA21-02) by Roger Klaffky and Romona Muzzy with the condition a mylar of the plat be filed within 180 days of the signed approval pursuant to Shelburne Subdivision Regulations, Section 1030. VOTING by rollcall: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Letter from Doug Griswold

Postponed to a future meeting when all members are present.

7. ADJOURNMENT

MOTION by Anne Bentley, SECOND by Mike Major, to adjourn the meeting. VOTING by rollcall: unanimous (7-0); motion carried.

The meeting was adjourned at 8:06 PM.

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