

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 18, 2022**

***Hybrid meeting**

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

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator; Aaron DeNamur, DRB Coordinator; Adele Gravitz, Planning Director.

OTHERS PRESENT: Gail Albert, Dave Marshall, Jess Neubelt, Chris Snyder, Pete Serisky, Michael Wisniewski, Sam Beal, Mike Buscher, Javier Garcia, Erica Wygonik, Miranda Lescaze, Amanda Gustafson, Joyce George, Media Factory.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (5/4/22)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use/Form Based Code, Site Plan, Redevelopment, 94 Dwelling Units (corrected to 97 units), 3164 Shelburne Road, Champlain Housing Trust (CU21-10\FBZ21-03)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the hybrid meeting to order at 7 PM. There were no changes to the agenda.

2. MINUTES

May 4, 2022

MOTION by John Day, SECOND by Zeke Plant, to approve the minutes of 5/4/22 as presented. VOTING: unanimous (6-0); motion carried.

3. PUBLIC COMMENTS

None.

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.

CU21-10\FBZ21-03: Conditional Use\Form Based Site Plan to convert two existing buildings from lodging (motel) to apartments and redevelop the remaining portion of the site for a total of 94 dwelling units on property at 3164 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Shelburne Road Form Based Code Overlay District by Champlain Housing Trust (CHT)

Michael Wisniewski and Sam Beal of Duncan Wisniewski Architects, Dave Marshall with CEA, and Mike Buscher, landscape architect, appeared on behalf of the application.

STAFF REPORT

The DRB received a written staff report on the application, dated 5/18/22. Ken Belliveau noted multi-family housing is a permitted use in the zoning district, not a conditional use. The actual number of units to be built will be 97. The requirements from the Sketch Plan review have been carried forward. The project is being built under form based code. The applicant is requesting a waiver to reduce the number of parking spaces by 15% to 159 because the one-bedroom units that will be built likely will not need two parking spaces each. Regarding streets, two points of access from a public road are required. The applicant is proposing using Champlain Drive as the access, closing the curb cut on Shelburne Road and only having an emergency access off Shelburne Road. Staff has concern about keeping the emergency access plowed and open and free of vehicles at all times. There will be underground storage tanks for the stormwater. The cleaning and maintenance of these tanks should be explained by the applicant.

APPLICANT COMMENTS

Mike Wisniewski and Sam Beal gave an overview of the project which includes renovated units into one-bedroom apartments and efficiencies, rental units with underground parking, affordable housing units, green space and green belts. There will be a new sidewalk to Shelburne Road. Shelburne Road and Champlain Drive border the development. A new street named “Margaret’s Way” will go through the site. VTrans is fine with either an emergency access to Shelburne Road or a two-way street. Shelburne Fire Dept. is fine with the emergency access as a second means of access. This design is in place in Harrington Village and has not been a problem. Technical questions on the proposal will be addressed with staff.

Dave Marshall reviewed the stormwater storage tanks, noting the system requires a state operational stormwater permit and annual inspection. Also, every three years assurance the system is working as intended must be provided.

There were questions/comments on the following:

- Trash receptacles for Buildings A & B in the parking garage and residents interacting with trash trucks is a concern.
- Security and lighting in the parking garage is a concern. Mike Buscher said the street tree canopy will be high up and will not block the road view. Also, the slope

into the garage is not steep (5% pitch). The lighting plan includes low level lighting and meets ISA standards. Lights will be at intersections, crosswalks, pedestrian areas (common entrances to buildings).

- The request for a decrease in parking is due to data showing one-bedroom units do not necessarily have the need for two spaces. Also, the buildings are on the bus line and there will be sidewalk to Shelburne Road. It is possible if more parking is needed in the future to create parallel spaces along the emergency access.
- Snow removal will be similar to any street plowing with snow pushed to the side of the street and the back of the parking area. The affordable housing units have bump-out areas where snow can be piled.
- The applicant is urged to explore safety issues with the project and create an inclusive livable space.

PUBLIC COMMENT

There were questions/comments/discussion of the following:

- Tentative schedule for completion of the project is spring 2024 for the multi-family and affordable housing. There will be 35 efficiency and one-bedroom units, 24 two-bedroom units, 30 three-bedroom units, and 5 four-bedroom units. Twenty-six units will be privately owned, and the rest will be rentals. The affordable units range from less than 50% AMI to 100% AMI.
- The acreage of the site is 4.83 acres.
- Staff in the Planning Office working with consultants will ensure the project conforms to form based code requirements. Comments on the proposal from the public are recognized.
- VTrans has been asked to look into a pedestrian crossing to the bus stop on Shelburne Road.
- The Bike/Ped Committee is working on ways for people to safely travel Bay Road to the town beach. There are bike facilities in the project.
- In the past the town has used school buses to transport residents to the town beach or the library. This could be considered once again.
- The perimeter of the applicant's property is demarked with fencing and landscaping by the restaurant and dense plantings and a fence on the north side. There is no fence on the west boundary line.
- Conversion of the property will help the town meet the 2035 affordable housing goal.

DELIBERATION/DECISION

Conditional Use/Form Based Code, Site Plan, Redevelopment, 94 Dwelling Units (corrected to 97 units), 3164 Shelburne Road, Champlain Housing Trust (FBZ21-03)

MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing and direct staff to prepare a decision for FBZ21-03 for redevelopment to create 97 dwelling units at 3164 Shelburne Road by CHT with the following conditions:

1. **The applicant shall provide documentation of any and all required permits and approvals from the State of Vermont and any applicable permitting**

- agencies of the US Government prior to obtaining any zoning permits from the town for work or construction on the subject property.
2. The applicant shall provide adequate fire safety provisions on the property as required by the Shelburne Fire Department and the Vermont Division of Fire Safety.
 3. The applicant shall submit documentation of a Section 1111 permit from VTrans approving access from Shelburne Road and Champlain Drive, and any required traffic mitigation measures.
 4. The applicant shall provide documentation of a stormwater permit from the State of Vermont DEC for stormwater management on the subject property, and the applicant shall provide a satisfactory maintenance plan for the care and maintenance of the proposed stormwater facilities on the site.
 5. Any construction activity on the subject property in conjunction with the application shall be limited to plans approved by the DRB in accordance with the provisions of Articles V, X, XIX, XX, and XXII of the Shelburne Zoning bylaws and all the conditions stated above.
 6. The applicant shall post a financial security guaranteeing the survival of the required landscaping for a minimum of two years after completion of the proposed development.
 7. No work on the subject property in connection with the approval may be commenced until a zoning permit has been approved and obtained from the Shelburne Planning & Zoning Office and all applicable conditions of approval have been satisfied
 8. There shall be no importation of any fill or other materials on to the subject property beyond what is necessary to complete the work authorized under the approval.
 9. The applicant's request for a waiver of the number of parking spaces is accepted as proposed.

DISCUSSION:

- There was discussion of the applicant working with staff on the appropriate amount of escrow for the landscaping. The DRB will reflect this in the Notice of Decision.

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

6. OTHER BUSINESS

Meeting Schedule

June 1 – DRB meeting; Ken Belliveau last meeting with the DRB

June 15 – no applications received to date

July 6 – no meeting

July 20 – TBD

David Hillman suggested that the DRB attend the June 1 meeting in person to say good bye to Ken and perhaps take a group picture of the DRB for the Website.

7. ADJOURNMENT

MOTION by Mark Sammut, **SECOND** by Bob Glover, to adjourn the meeting.

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

The meeting was adjourned at 8:53 PM.

By Tape RScy: MERiordan