

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
June 5, 2019**

MEMBERS PRESENT: David Hillman (Vice Chair); Mark Sammut, Doug Griswold, John Day, Mike Major. (Jeff Pauza and Anne Bentley were absent.)

STAFF PRESENT: Ravi Venkataraman, DRB Administrator.

OTHERS PRESENT: Anya Huneke, Dave and Marcy Whittle, Peggy and Dick Meunier, Same and Teal Chalek, Catherine Collette, Andy Collette, Joan and Mark Leptz, Paul O’Leary, Andrew Antell, Gail Lindemann, Bob Bick, Dave Marshall, Briana Kine, Perry Rianhard, Catherine Domareki, Matt Cohen, John Logan, Morton Levy, David Shenk, Steve Schenker, Alain Youkel.

AGENDA:

1. Call to Order and Announcements
2. Public Comment
3. Approval of Minutes (5/15/19)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Sketch Plan, Subdivision, Two Lots, 1 Nashville Road, Mark and Laurie Kotorman (SUB19-03)
 - Conditional Use\Site Plan, Restaurant Use, 6305 Shelburne Road, Fiddlehead Brewing Company, LLC (CU05-05R5\SP05-01R3)
 - Sketch Plan, Residential PUD, Two Lots, 136 Southview Drive, Meunier (SUB19-06)
 - Preliminary Plan, Re-Subdivision, Two Lots, 2800 Shelburne Road, APC Properties, LLC (SUB19-02)
 - Form Based Zoning\Conditional Use\Site Plan, Group Living Use, 63 Units, 3972 Shelburne Road, David Shenk (FBZ19-01\CU19-08\SP19-06)
 - Boundary Line Adjustment\Conditional Use\Site Plan, Property Line Adjustment and Warehouse Use, 0 Northside Drive, Alain Youkel (BLA19-01\CU19-07\SP19-05)
6. Other Business
7. Adjournment

1. CALL TO ORDER and ANNOUNCEMENT

In the absence of Chair Jeff Pauza, David Hillman facilitated the meeting and called to order at 7 PM.

2. PUBLIC COMMENTS

There were no comments from the public at this time.

3. MINUTES

May 15, 2019

MOTION by Mike Major, SECOND by John Day, to approve the 5/15/19 minutes as presented. VOTING: unanimous (5-0); motion carried.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

- Mike Major disclosed his son has worked with the Meuniers in building a shed.

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.

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

MOTION by Mark Sammut, SECOND by Doug Griswold, per the request of the applicant to continue the application for 1 Nashville Road (SUB19-03) until 6/19/19. VOTING: unanimous (5-0); motion carried.

CU05-05R5\SP08-01R3: Conditional Use\Site Plan review to convert a portion of the existing enclosed light manufacturing use into a restaurant use at 6305 Shelburne Road in the Commerce and Industry South District and Stormwater Overlay District by Fiddlehead Brewing Company, LLC

Matt Cohen appeared on behalf of the application.

Submittals:

- Conditional Use Review Application, received 4/23/19
- Site Plan Review Application, received 4/23/19
- Proposed Floor Plan, received 4/23/19
- Lease Agreement for parking between Fiddlehead Brewing Company, LLC and Shelburne Green, LLC, received 5/1/19
- Lease Agreement for parking between Fiddlehead Brewing Company, LLC and 6305 Shelburne Road, LLC, received 5/1/19
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report on the application, dated 6/5/19. Ravi Venkataraman noted the following submittals for the record;

- Request from Fiddlehead for a 30% reduction in parking at 6305 Shelburne Road (30% reduction is 24 spaces and is in addition to the 25% waiver or 25 spaces for Folino's)
- Correspondence between the applicant and staff, dated 5/16/19
- Lease Agreement between the applicant and 6305 Shelburne Road, LLC regarding parking on and off site, received 5/1/19 (paths connect to the off site parking)

- Lease Agreement between the applicant and Shelburne Green, LLC regarding parking on and off site
- Permit issued by VTrans to applicant pertaining to the state right-of-way (the state will handle the signage)

John Day asked if the application is complete. Ravi Venkataraman said staff feels the application is complete. John Day asked about conditioning the approval on continued availability of parking spaces regardless of the lease agreements. Ravi Venkataraman said the lease agreements are for five years at a minimum which staff feels is sufficient. If conditions change after five years the applicant must come before the DRB. The DRB can add more conditions to the lease.

APPLICANT COMMENTS

Matt Cohen, Fiddlehead, explained the small change to the tasting room to allow patrons to have a small pizza and a pint of beer. There is a shift happening in the way the space is being used. About 5 % of the visitors to the site are sitting on the Fiddlehead side rather than the Folino's side of the building to have their pizza. There will be parking behind the building site and a parking attendant working during high volume times to direct people to the parking.

John Day asked for clarification of the parking waiver (30% in addition to the 25% waiver that is in place already or 5% above the existing 25% for a total waiver of 30%). Ravi Venkataraman said the 25% waiver is for the existing use and the 30% waiver is for the proposed use so each use has a waiver.

Doug Griswold asked about the number of parking spaces for each use without the waivers. Ravi Venkataraman said 27 spaces for Fiddlehead (24 spaces for the seating and 3 for the manufacturing use) and 28-29 spaces for Folino's. With the waivers there are 24 proposed spaces plus 25 current spaces or 49 in total.

David Hillman asked what is different so there is more parking. Matt Cohen said there are over 300 parking spaces with Shelburne Green that can be shared with Fiddlehead. There will be signage and a parking attendant to help people find parking. Ravi Venkataraman said the current subdivision proposal by Shelburne Green will not influence the Fiddlehead proposal, but staff recommends Shelburne Green modify its parking tables to include the Fiddlehead parking.

Mark Sammut asked about connectivity between the parking lot and Fiddlehead. Matt Cohen said there is a set of stairs with lights to the parking lot.

John Day asked if the stair lighting can be a condition of approval. Ravi Venkataraman said the DRB can make a condition under Section 1913.

PUBLIC COMMENT

Perry Rianhard suggested the parking space in front of the stairs be blocked out so pedestrians can walk there.

DELIBERATION/DECISION

Conditional use\Site Plan, Restaurant Use, 6305 Shelburne Road, Fiddlehead Brewing Company, LLC (CU05-05R5\SP08-01R3)

MOTION by David Hillman, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU05-05R5\SP05-01R3 to modify an existing conditional use and establish a restaurant use at 6305 Shelburne Road by Fiddlehead Brewing Company, LLC with the following conditions:

1. **The applicant must file a zoning permit application within 30 days of the issuance of the written decision pursuant to Section 2010.1.**
2. **The applicant must provide a parking plan pursuant to Sections 1900 and 1960 with a zoning permit application and the parking plan must include bicycle parking as stipulated under Section 1960.4, and further, if the applicant requests a waiver at a later date the applicant will be required to seek DRB approval.**
3. **Pursuant to Section 1900.3 and 24VSA4416(b) the applicant must file a 1111 State Highway Work Application and install Manual on Uniform Traffic Control Devices (MUTCD) compliant signs at the entry and exit, and further, a copy of the 1111 State Highway Work Application and a copy of the receipt confirming VTrans received the application must be provided to staff within 30 days of the issuance of the written decision and the applicant must provide photo documentation that MUTCD compliant signs have been installed within two years of the issuance of the written decision.**
4. **The stairs to the parking lot and lighting as discussed will be added to the site plan.**
5. **The Town of Shelburne shall be notified of termination, expiration, or non-renewal of any lease for parking or access to parking.**

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

SUB19-06: Sketch Plan review for a proposed two lot residential Planned Unit Development at 136 Southview Drive in the Rural District by Richard and Marguerite Meunier

Dick and Peg Meunier appeared on behalf of the application.

Submittals:

- Cover letter, received 5/3/19
- Sketch Plan Review Application, received 5/3/19
- Summary of Applicable Planning Standards, received 5/3/19
- Vermont Agency of Natural Resources Wildlife and Endangered Species Map, received 5/3/19
- Area Well Mapping, received 5/3/19
- Well Log Data from Vermont Agency of Natural Resources, received 5/3/19
- “Land Use 210: Single Family Detached Housing” from ITE Trip Generation Manual 10th Edition, received 5/3/19
- Existing and Proposed Conditions Site Plan (Sheet C1.0), received 5/3/19

- Figure from “Rural Cluster Development” added by staff to record
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report on the application, dated 6/5/19. Ravi Venkataraman said staff recommends a site plan application be submitted with the Preliminary Plan and the clustering and design of the two house sites and location on Lot #2 be per Sections 330.1 and 2110.36 and the overall goal of the Rural District. The proposal is a major subdivision. A Project Review Sheet must be submitted.

APPLICANT COMMENTS

Dick Meunier said the plan is to subdivide the 10.3-acre lot into two lots of approximately five acres each. The existing house will be sold and a new house will be built on the new lot.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Sketch Plan, Residential PUD, Two Lots, 136 Southview Drive, Meunier (SUB19-06)

MOTION by John Day, SECOND by Doug Griswold, to classify the application for 136 Southview Drive (SUB19-06) by Richard and Marguerite Meunier as a major subdivision, and to finalize the record, close the hearing, and direct staff to prepare a decision authorizing the applicant to prepare a Preliminary Plan Review Application with the following recommendations:

1. **The applicant must provide a Site Plan Review Application with the Preliminary Plan Review Application pursuant to Shelburne Zoning Bylaws, Section 1930.2(B).**
2. **The applicant must include site plans with a possible location of a house site on proposed Lot 2 in the Preliminary Plan Review Application pursuant to Section 1930.3(C).**
3. **The applicant must include an open space plan and details on the mechanism for protecting the open space in the Preliminary Plan Review Application pursuant to Section 1930.3(C).**
4. **The applicant must include a Project Review Sheet in the Preliminary Plan Review Application pursuant to Shelburne Subdivision Regulations, Section 810(1).**
5. **The Preliminary Plan Review Application must include comments from various Shelburne town departments as stipulated in Shelburne Subdivision Regulations, Section 600(28).**

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

SUB19-02: Preliminary Plan review 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, CEA, and Catherine 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 Plan, received 2/12/19
- Staff Report prepared for the 3/20/19 DRB meeting
- Cover letter prepared by Civil Engineering Associates, Inc., received 3/26/19
- Preliminary Plan Review Application, received 3/26/19
- “Land Use 210: Single Family Detached Housing” from ITE Trip Generation Manual 10th Edition, received 3/26/19
- Vermont Agency of Natural Resources Wildlife and Endangered Species Map, received 3/26/19
- Vermont Agency of Natural Resources Wetland Map, received 3/26/19
- Comments from various Shelburne town departments pursuant to Shelburne Subdivision Regulations, Section 600(28)
- Site Plans
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report on the application, dated 6/5/19. Ravi Venkataraman said the residential use on the lot is being created and the existing retail use is unchanged. The lot being created is three times the size of the minimum lot size so further subdivision could be possible. Staff recommends the house site be in one of the corners of the lot.

APPLICANT COMMENTS

Dave Marshall explained the subdivision of approximately one acre is for a residential use and allows existing commercial uses on the northern portion. The new lot will tie into existing water and sewer service to the commercial lot. The applicant may not be comfortable stating the house site will be in a corner of the lot.

David Hillman pointed out locating a house in the center of the lot would prohibit future subdivision. John Day added based on the information provided the applicant must understand a house in the center of the lot would prohibit further subdivision. Dave

Marshall confirmed this. Catherine Collette confirmed the house will be located in the middle of the lot.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

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

MOTION by Doug Griswold, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision to authorize the applicant to prepare a Final Plan Review Application for the two lot re-subdivision at 2800 Shelburne Road by APC Properties, LLC (SUB19-02) with the condition the potential location of the residential structure site and any proposed driveway/roadway must be included with any site plans submitted as part of the Final Plan Review Application pursuant to Shelburne Subdivision Regulations, Section 900(10), and the house site should be in the proximity of the corner of the buildable envelope in order to maximize the capacity for future land development on the property. VOTING: unanimous (5-0); motion carried.

FBZ19-01\CU19-08\SP19-06: Form Based Zoning\Conditional Use\Site Plan review for a 63-unit group living use, basement parking, and waivers from Shelburne Road Form Based Overlay District regulations at 3972 Shelburne Road in the Mixed Use District, Stormwater Overlay District, and Shelburne Road Form Based Overlay District by David Shenk

Paul O'Leary with O'Leary Burke Civil Associates and David Shenk appeared on behalf of the application.

Submittals:

- Cover letter prepared by O'Leary Burke Civil Associates, PLC, received 5/14/19
- Site Plan Review Application, received 5/14/19
- Conditional Use Review Application, received 5/14/19
- ITE Trip Generation Rates Table for existing use, received 5/14/19
- ITE Trip Generation Rates Table for proposed uses, received 5/14/19
- Landscape Budget, received 5/14/19
- Site Plans, received 5/14/19
- Memo from Fire Chief Ouimet to DRB re: Yankee Doodle property project, dated 6/2/19
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report, dated 6/5/19. Ravi Venkataraman said the proposal is for 48 residential units group living and 15 household living units. Staff was just made aware of the subdivision application and recommends continuing the hearing to allow time to review the application. Structured parking on the lot is a conditional use in Form Based Code. The DRB needs to approve and do a thorough site plan review

because the buildings are over 2,000 s.f. With conditional use review of the structured parking Form Based Code review is required. The applicant is requesting waivers. The DRB has jurisdiction on structured parking over 14 spaces at grade and waivers, but all other elements are by right per Form Based Code. The requirements of Section 1.7.5 of Form Based Code must be met. The structured parking must comply with the regulatory plan and the character district. The conditional use criteria must also be met.

APPLICANT COMMENTS

Paul O’Leary reviewed the project at the former Yankee Doodle Motel site which contained 15 motel units and one caretaker unit. The property was owned by Gabe Handy. The property had an Act 250 permit to double the motel in size and have a restaurant, but this was never built. The current proposal must go through Act 250 review. Access to the site will be via the private drive that serves the existing commercial building and residential houses. The site is in the Green Corridor for form based zoning. Of the proposed 63 units 24 will be elderly housing and 15 will be market housing. Underground parking with 78 spaces plus 14 surface spaces are proposed. Conditional Use approval is needed because the parking for 68 units is exceeded and underground parking requires Conditional Use review. The Fire Department has been contacted regarding fire access and circulation. There will be two bioswales for storm water management. There is community space in front of the lot and community gardens in back. There is also green space around the buildings. The use is a low traffic generator (.25 trips per unit for the elderly housing and 22 trips for the market units). The building will be two story in height and served by municipal water and sewer service.

The architect and landscape designer for the project reviewed the lawn area and flowering trees and evergreens in front of the building and street trees along the private drive/access. The courtyard area will be planted with shade trees. The west property line will have a 6’ high fence and evergreen shrubs as well as a mix of evergreens and shade trees. The three buildings are distinct, but linked by the parking garage. The façade facing Shelburne Road and the access road will be attractive with clapboard and shingle siding. Bay windows are on the first floor. The porch leads to the common areas in the buildings. The roofing material will be asphalt shingles. The railing is for the basement parking. Estimated cost of the buildings is \$5.6 million and the landscape plan is \$64,000.

PUBLIC COMMENT

Robert Bick, neighbor, said the homeowners association owns the right-of-way described as the entrance to the proposed project. The right-of-way does not grant access as far into the property as suggested. There is concern about the amount of traffic to be added to the private road. There is no sidewalk and a school bus stop at the end of the road so there are children on the road. Ravi Venkataraman noted the right-of-way access is needed per Section 1900 to connect to the private road. The Fire Department reviewed the access and the comments have been provided to the DRB. Pedestrian access/walkway is part of Site Plan Review per Section 1900.13. Either a Type 1 or Type 2 road is required to be built to Public Works Specifications. David Shenk said he met with Gail Lindemann (president of the homeowners association) and all the documents on the road were emailed to her. A formal response has not yet been received.

Gail Lindemann, homeowners association, noted her plan to meet again with David Shenk to come to resolution on issues. The consensus of concern is the impact of increased traffic on the private road that serves 17 homes and the safety of the children going to the school bus stop and parents waiting in their cars on the road for pick up. Screening is also an issue. The project will clear away woods that are a buffer between the houses and Route 7. The fence should be at least 8' high and the number of evergreen and larger trees to be planted should be increased. There may be rock ledge so any blasting for the underground parking could impact houses and residents including the children in the neighborhood. The entrance/exit to the parking lot is close to the existing residences. David Shenk said he offered to reconstruct the portion of the private road adjacent to the development and offered to contribute toward the maintenance of the road. The road could include a sidewalk. The buffer at the back of the property follows the prescription in Form Based Code, Section 1.6.3, for a transitional buffer. Despite no obligation to increase the height of the fence to 8' that will be done. The buffer is the full width of the parcel even where there is no building. There is no problem increasing the number of evergreens versus deciduous trees. Some of the spacing of the landscaping can be shifted. Vehicle traffic in/out of the parking garage at one point is because there is no front yard parking, the site is flat, and a ramp will be needed to do the underground parking. Being on one side hides the entrance/exit.

John Logan noted a senior housing project done in Shelburne for 55 years old and older residents finds the average age of residents is 75 years old.

Anya Huneke, Red Cedar Lane, said the road now is quiet and kid-friendly. There is concern that the road will become a high traffic area. Sidewalk would be good to have for the children.

Catherine Domareki, neighbor, requested the DRB look at the plans to see how close the parking is to the existing houses. The proposal will change the experience for some of the home owners.

David Hillman said it is hoped at the next meeting to have development from conversations between the applicant and the neighbors that help the DRB understand the concerns that can be addressed.

Mike Major asked the number of houses in the homeowners association. Gail Lindemann said 17 houses, 12 in the homeowners association and five in the cul-de-sac, but all use the road. Paul O'Leary added the commercial property to the north also uses the road.

DELIBERATION/DECISION

Form Based Zoning\Conditional Use\Site Plan, Group Living Use, 63 Units, 3972 Shelburne Road, Shenk (FBZ19-01\CU19-08\SP19-06)

MOTION by John Day, SECOND by Mark Sammut, without closing the record to continue the application for 3972 Shelburne Road by David Shenk until July 17, 2019. VOTING: unanimous (5-0); motion carried.

BLA19-01\CU19-07\SP10-05: Boundary Line Adjustment\Conditional Use\Site Plan review to adjust the boundary line between two adjacent parcels and develop a warehouse use at 0 Northside Drive in the Commerce and Industry District, and Stormwater Overlay District by Alain Youkel

Alain Youkel appeared on behalf of the application.

Submittals:

- Boundary Line Adjustment Application, received 5/14/19
- Conditional Use Review Application, received 5/14/19
- Site Plan Review Application, received 5/14/19
- Cut Sheet for RAB WPLED Lighting and 18745 Bi-Level Sensor for D10, received 5/14/19
- Proposed Site Plan, received 5/14/19
- Ground Lease Agreement for 0 Northside Drive, received 5/17/19
- Letter from Fire Chief Ouimet to DRB re: Northside Drive Storage, dated 6/2/19
- Town of Shelburne Staff Report, dated 6/5/19

STAFF REPORT

The DRB received a written staff report on the application, dated 6/5/19. Ravi Venkataraman advised the DRB must act on the boundary line adjustment before the Conditional Use or Site Plan applications. Staff recommends a performance bond for the proposed landscaping be a condition of approval. There are 21 light fixtures proposed. The applicant must submit a photometric plan. The lighting cannot exceed five (5) lumens between 6 AM and 11 PM or .5 lumens between 11 PM and 6 AM. Comments from the Fire Department have been received.

APPLICANT COMMENTS

Alain Youkel said he owns both parcels. The existing building on Lot 6 is an autobody shop and storage. Lot 7 has an office complex, but the office space is not needed. The original plan was to build a 40,000 s.f. warehouse. The current proposal is for climate controlled self-storage units. The setbacks and lot coverage are met. Some land from the adjacent parcel is needed to make the proposal financially viable if there is demand. It is to be determined whether all the storage units will be built at once or phased. The existing vegetation on the residential side of the property will remain. Only what needs to be cleared will be taken. Storm water management work will be done following the boundary line and conditional use decisions. The demands from the Fire Department appear to exceed code so clarification is needed. The main building with the climate controlled units is less than 12,000 s.f. yet the Fire Department is requiring a sprinkler system and two fire hydrants. There is a hydrant by the cul-de-sac. The lighting is motion detector lights. The width of the access is 22' or 24' and the recommendation for the median will be followed.

David Hillman said the requirements of NFP1 must be met and there must be resolution with respect to the Fire Chief's comments. Suggested conditions of approval could specify the approval is subject to compliance with all applicable rules and regulations and

any changes to access or circulation in response to the Fire Department comments require DRB approval.

Mike Major asked how many storage units will be built. Alain Youkel said close to 280 units.

PUBLIC COMMENT

Morton Levy, neighbor, expressed concern about screening, added traffic, and what may be stored in the units. Alain Youkel said the hours are 7 AM to 8 PM and unit renters are free to store what they like. The names of the renters will be known and there are security cameras and motion detector lights on the site. Vegetative screening will be maintained. Evergreen trees will be added to fill in the gaps in vegetation. The height of the single story buildings is 12' and the lights shine downward. Storage units are a limited impact business with people typically bringing in their items and leaving.

Perry Rianhard, neighbor, said the field has grown up over the past 20 years. There is concern about the water table being destabilized with the additional paving and impact on the size of the wetlands. Noise and lighting are also concerns.

DELIBERATION/DECISION

Boundary Line Adjustment\Conditional Use\Site Plan, Property Line Adjustment and Warehouse Use, 0 Northside Drive, Youkel (BLA19-01\CU19-07\SP19-05)

MOTION by Mark Sammut, SECOND by Doug Griswold, to finalize the record, close the hearing, approve the boundary line adjustment between 0 Northside Drive and 135 Northside Drive with the condition a Mylar must be recorded within 180 days of the signed approval pursuant to Shelburne Subdivision Regulations, Section 1030, and prior to issuance of any zoning permit, and to direct staff to prepare a decision indicating approval of CU19-07 and SP19-05 to establish a warehouse use at 0 Northside Drive by Alain Youkel subject to the following conditions;

1. A zoning permit is required prior to any construction pursuant to Shelburne Zoning Bylaws, Section 2010.1.
2. A Certificate of Occupancy is required before any proposed building can be occupied for any use pursuant to Section 2030.1.
3. Pursuant to Section 1900.5, the applicant must provide a performance bond or equivalent security to guarantee the performance and completion of all landscaping required for a period of two years.
4. Pursuant to Shelburne Zoning Bylaws, Section 1975.19, the applicant must provide a photometric plan as stipulated with the zoning permit application.
5. Pursuant to Shelburne Zoning Bylaws, Section 1900.3, the proposed lighting cannot exceed five (5) lumens between 6 AM and 11 PM, and further, the proposed lighting cannot exceed 0.5 lumens between 11 PM and 6 AM except when activated and when activated the proposed lighting cannot exceed five (5) lumens between 11 PM and 6 AM.
6. The applicant must comply with all applicable rules and regulations.
7. Any changes to the access or circulation in response to the Fire Department comments will require DRB approval.

8. The median will be constructed in a way that is acceptable to the Fire Department.

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

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT and/or DELIBERATIVE SESSION

MOTION by John Day, SECOND by Doug Griswold, to adjourn the meeting.

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

The meeting was adjourned at 9:07 PM.

RScty: MERiordan