

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 16, 2021

***Meeting held by teleconference.**

MEMBERS PRESENT: Mark Sammut (Chair); Mike Major, Anne Bentley, Bob Glover, Norm Blais.

MEMBERS ABSENT: John Day, Zeke Plant and David Hillman, Allyson Meyers recused.

STAFF PRESENT: Ken Belliveau, Interim DRB Coordinator.

OTHERS PRESENT: Allyson Myers (participating as a citizen), Joyce George, Doug Hoffer, David Shenk, Bryan Currier.

AGENDA:

1. Call to Order and Agenda
2. Approval of Minutes (6/2/21)
3. Public Comment
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - SUB11-02R1 - Final Plan, Two Lot Mixed Use PUD Subdivision, 2659 & 2689 Shelburne Road, Shenk Enterprises, LLC
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

Chair, Mark Sammut, called the teleconference meeting to order at 7 PM.

2. MINUTES

June 2, 2021

MOTION by Mark Sammut, SECOND by Mike Major, to approve the 6/2/21 minutes as presented. VOTING by rollcall: unanimous (5-0); motion carried.

3. PUBLIC COMMENTS

None.

4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST

Allyson Myers noted she is participating in the meeting as a neighbor, not a board member.

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.

SUB11-02R1: Final Plan for a two lot Mixed Use PUD subdivision with one lot associated with an existing commercial use and the second lot for residential use of an 8 unit multi-family building at 2659 & 2689 Shelburne Road in the Mixed Use and Residential Districts and Stormwater Overlay District by Shenk Enterprises, LLC

Bryan Currier with O’Leary Burke and David Shenk appeared on behalf of the application.

STAFF REPORTS

The DRB received a written staff report on the application, dated 6/16/21. Ken Belliveau stated the application is Final Plat for a two lot subdivision and conditional use. The 2.9 acre parcel will be subdivided into one lot of .96 acres and another lot of 1.97 acres. An 8 unit multi-family building will be constructed. The existing convenience store will remain. The existing single-family house will be removed, but the garage and curb cut on Route 7 will remain. The applicant has not provided any documentation or written report concerning the curb cuts for the NIMRAH parcel.

APPLICANT COMMENTS

David Shenk said he has discussed the curb cuts and traffic pattern with the owner of the convenience store (NIMRAH), but was not successful in making any changes to existing conditions.

There was discussion of the history of the property (one large parcel, two owners) and the safety concerns expressed by neighbors with the curb cuts and traffic to the site. David Shenk noted in 2019 NIMRAH submitted a site plan for modifications to the site so the property has been before the DRB in the past. Ken Belliveau said it is not clear how the subdivision occurred in the past, but at Final Plat for the current proposal the DRB needs to ascertain if the applicant did what was asked at Preliminary Plan Review.

Mark Sammut questioned how much leverage the Town would have to persuade the owner of the corner lot to make revisions.

Mike Major expressed concern about the rear entrance to the store being so close to the apartment complex.

Anne Bentley asked about using the curb cut on Route 7 to the single-family house and garage as the entryway. Bryan Currier said VTrans is more likely to support a curb cut on a secondary road rather than Route 7. The curb cut on Shelburne Road is for the garage which will be used for storage. The existing single-family house will be removed. Any future development of the property will have to go through the VTrans process.

PUBLIC COMMENT

Joyce George, resident, urged reviewing traffic to the site between noon and 1 PM to witness the safety issue that exists at the entrance to the liquor store off Route 7 from Martindale. There was room for a sidewalk for pedestrian, but this was filled in with gravel. Also, there should be a provision saying the green space cannot be used for

storage or construction, and it should be stated that the commercial lot with the garage that is to remain could be developed one day.

Doug Hoffer echoed the safety concern with traffic and suggested the time be expanded to 11:30 AM to 2 PM to view the traffic congestion. Mr. Hoffer asked what options the DRB or the applicant have if NIMRAH does not cooperate. Mark Sammut said the situation is unusual and needs further discussion with the Town Manager and the Town Attorney.

Allyson Myers said there has been comment previously about traffic congestion, pedestrians, and children on bikes in the area. A sidewalk so pedestrians have their own space and are not walking in the road with traffic would be a good solution.

There was further discussion of the “checkered past” of the subdivision of the parcel. It was noted the subdivision boundary is at the common building boundary. The applicant reiterated his effort to work with NIMRAH on the curb cuts was not successful. The curb cuts are grandfathered. The current proposal is an attempt to “clean up” the property with a legal subdivision and have a fully compliant application. The green space shown on the site plan addresses the excess impervious area. The situation is frustrating and possibly an enforcement issue. Mark Sammut agreed, adding the record needs to be reviewed and the matter discussed with the Town Manager and Town Attorney

DELIBERATION/DECISION

SUB11-02R1 - Final Plan, Two Lot Mixed Use PUD Subdivision, 2659 & 2689
Shelburne Road, Shenk Enterprises, LLC

MOTION by Mark Sammut, SECOND by Anne Bentley, to continue the hearing of SUB11-02R1 to July 21, 2021.

DISCUSSION:

- **Mark Sammut stated the record will be reviewed and discussed with the Town Manager and Town Attorney.**

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

6. OTHER BUSINESS/CORRESPONDENCE

None.

7. ADJOURNMENT

MOTION by Mark Sammut, SECOND by Mike Major, to adjourn the meeting.

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

The meeting was adjourned at 8:05 PM.