

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**

**October 7, 2020**

**\*Meeting held by teleconference.**

**MEMBERS PRESENT:** David Hillman (Chair); Mark Sammut, Mike Major, John Day, Anne Bentley, Allyson Myers, Zeke Plante, Doug Griswold.

**STAFF PRESENT:** Dana Hanley, DRB Coordinator.

**OTHERS PRESENT:** Don Booth, Joyce George, Seth Goddard, Peter March.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (9/16/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Conditional Use\Design Review, Replace Nonconforming Sign, 5252 Shelburne Road, Village Mobil, Spillane (CU97-09R2\DR20-10)
  - Final Plan, Subdivision, Two Lots, 127 Webster road, Trinity Baptist Church (SUB19-08)
6. Other Business
7. Adjournment

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**1. CALL TO ORDER and AGENDA**

Chair David Hillman called the teleconference meeting to order at 7 PM, held roll call, and explained the procedure to be followed.

**2. PUBLIC COMMENTS**

There were no comments at this time from the public.

**3. MINUTES**

*September 16, 2020*

**MOTION by John Day, SECOND by Mike Major, to approve the minutes of 9/16/20 as presented. VOTING by roll call: 5 ayes, 3 abstention (David Hillman, Mark Sammut, Allyson Myers); motion carried.**

**4. DISCLOSURES/POTENTIAL CONFLICTS OF INTEREST**

There were no announcements of potential conflicts of interest from the board members. Those present at 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.

**CU97-09R2\DR20-10: Conditional Use\Design Review for replacement of a nonconforming sign at 5252 Shelburne Road (Village Mobil) in the Village Center Mixed Use District, Village Design Review Overlay District, and Village Core Overlay District by Susan Spillane**

Peter March with NH Signs appeared on behalf of the application.

Submittals:

- Application to Modify Nonconforming Property
- List of abutters
- Property Owner Authorization
- Existing Mobil Sign photograph
- Custom Mobil sign depiction (comparison existing vs proposed)
- Orthophoto, 5252 Shelburne Road
- LED Linear Light Specifications
- Addendum to Modify Nonconforming Property, Village Mobil, 5252 Shelburne Road
- Design Review Application
- Emails between Don Booth and Dean Pierce, dated 8/19/20 and 8/21/20
- Notice, Burlington Free Press
- Notice of Public Hearing, Shelburne Development Review Board, 8/20/20
- Notice of Application, Shelburne Planning & Zoning Office
- Minutes, Shelburne Historic Preservation & Design Review Commission, 7/9/20
- Agenda, Shelburne Historic Preservation & Design Review Commission, 7/9/20
- Agenda, Shelburne Historic Preservation & Design Review Commission, 7/23/20
- Minutes, Shelburne Historic Preservation & Design Review Commission, 7/23/20
- Historic Preservation/Design Review Application
- Email between applicant and Randy Snelling, State of Vermont, 5/6/20
- Town of Shelburne Staff Report, dated 10/7/20

STAFF REPORT

The DRB received a written staff report on the application, dated 10/7/20. Dana Hanley pointed out the replacement sign is still nonconforming, but will be simpler, more compact, and decrease the level of nonconformity.

APPLICANT COMMENTS

Peter March reviewed the description of the proposed sign as outlined in the application, noting the replacement sign will be 20 s.f. (existing sign is 24 s.f.).

John Day asked if the sign conforms to the staff recommendations. Peter March said the sign design is a result of the staff recommendations.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use\Design Review, Replace Nonconforming Sign, 5252 Shelburne Road, Spillane (CU97-09R2\DR20-10)

**MOTION by John Day, SECOND by Anne Bentley, to finalize the record, close the hearing and direct staff to prepare a decision indicating approval of CU97-09R2 and DR20-10, conditional use and design review approvals for replacement of an existing nonconforming sign located at 5252 Shelburne Road (Village Mobil) by Susan Spillane with the following conditions:**

- 1. The project shall be constructed in accordance with the approved rendering.**
- 2. The applicant shall file a zoning permit application prior to installation of the new sign.**
- 3. The sign shall be rectangular in shape and the light shroud shall be black or dark in color**

**VOTING by roll call: unanimous (8-0); motion carried.**

**SUB19-08: Final Plan for a two lot subdivision bisecting a parcel with the existing conditional use (church) and for an eight unit PUD on the proposed vacant parcel at 127 Webster Road in the Residential District and Stormwater Overlay District by Trinity Baptist Church**

Seth Goddard with Krebs & Lansing Consulting Engineers appeared on behalf of the application.

Submittals:

- Cover letter, Seth Goddard, Krebs & Lansing, dated 8/20/20
- Final Plan Review Application
- Project description for Trinity Baptist Church
- Abutters list
- Letter from Chris Robinson, Shelburne Water Quality Superintendent, dated 12/16/19
- Letter from Seth Goddard, dated 12/11/19
- Letter from Rick Lewis, Shelburne Water Superintendent
- Public Water System Construction Permit, Vermont Agency of Natural Resources, undated
- Vermont Department of Environmental Conservation Authorization to Discharge under General Permit 3-9015
- Vermont Department of Environmental Conservation Authorization to Discharge under General Permit 3-9020
- Likeness depictions for multi-family units
- Floor plans
- Notice, Burlington Free Press, 9/20/20
- Shelburne Development Review Board Notice of Public Hearing, 9/20/20
- Shelburne Planning & Zoning Posting Sign Protocol
- Notice of Application
- Drawing 001, Site Plan, Trinity Baptist Church, prepared by Kegs & Lansing, 8/20/20

- Drawing 002, Construction/Road/Lighting Details, Trinity Baptist Church, prepared by Krebs & Lansing, 3/5/20
- Drawing 003, Sewer Details, Trinity Baptist Church, prepared by Krebs & Lansing, 8/20/20
- Drawing 004, Water Details, Trinity Baptist Church, prepared by Krebs & Lansing, 8/20/20
- Drawing 005, Water Notes, Trinity Baptist Church, prepared by Krebs & Lansing, 8/20/20
- Drawing 006, Stormwater Details, Trinity Baptist Church, prepared by Krebs & Lansing, 8/20/20
- Drawing 007, EPSC Details, Trinity Baptist Church, prepared by Krebs & Lansing, 8/20/20
- Drawing 008, Erosion Prevention and Sediment Control Plan, Trinity Baptist Church, prepared by Krebs & Lansing, 3/5/20
- Drawing 009, Soils Management Plan, Trinity Baptist Church, prepared by Krebs & Lansing, 3/5/20
- Drawing 010, Landscaping Plan, Trinity Baptist Church, prepared by Krebs & Lansing, 3/5/20
- Town of Shelburne Staff Report, dated 10/7/20

#### STAFF REPORT

The DRB received a written staff report on the application, dated 10/7/20.

#### APPLICANT COMMENTS

Seth Goddard explained the subdivision of the property on the corner of Webster Road that will include the existing church and single family residence on one lot and the 8 unit PUD with four duplex buildings on the other lot. The lots will be served by municipal water and sewer. State water, wastewater, and stormwater permits have been secured. There is connection from the sidewalk in front of the new units and along the new road to the existing multi-use path. Open space is designated around the perimeter of the parcel. No permanent structures are allowed in the open space. The landscape plan shows two varieties of trees along the roadway (the applicant worked with the tree committee and town tree warden on tree selection). Power will be underground to the development.

Mark Sammut mentioned in the past applicants have been required to provide a bond for plantings. Dana Hanley noted a condition can be added to the final decision.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Final Plan, PUD, Two Lot Subdivision, Church with residence and 8-unit PUD, 127 Webster Road, Trinity Baptist Church (SUB19-08)

**MOTION by John Day, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision approving the proposal for a two lot**

subdivision and four two-unit (duplex) dwellings at 127 Webster Road by Trinity Baptist Church (SUB19-08) with the following conditions:

1. All construction shall be done in accordance with approved plans.
2. The applicant shall install five protection systems according to applicable codes identified by the Shelburne Fire Chief which include (a) the proposed hammerhead turnaround between Buildings C & D shall be no less than 10' x 20', (b) the proposed hammerhead turnaround at the end of the road shall be no less than 40' x 20', (c) the turn radius of the curbs at the entrance to Buildings C & D shall meet approved radius on file with CEA, (d) two additional hydrants shall be required with one placed at the end of the road adjacent to Building D and the second one placed at the intersection of the proposed road and Webster Road, and (e) both hydrants shall be placed on the north side of the proposed road.
3. The applicant shall submit the sewer allocation by the Selectboard along with the filing of a building permit.
4. Gutters and downspouts shall be installed in a way that rooftop runoff is directed to the stormwater gravel wetland and not to the south on Webster Road.
5. The applicant shall regularly maintain all stormwater conveyance and treatment systems.
6. Thirty-three percent (33%) of Lot 2 shall be dedicated land for active and passive recreational use and formalized with an Open Space Agreement with the Town of Shelburne filed in the land records, and the area shall be converted to lawn, mowed, and kept in an orderly fashion with no permanent structures allowed within the area with a note to this effect included on the plans, and further, the buffer shall remain un-mowed with only native species planted and personal furnishings or structures shall not impinge on the open space area.
7. The applicant shall submit a mylar for the Final Plat to be signed by the DRB Chair, and the plat shall be recorded in the Shelburne Land Records within 180 days of the signed approval of the decision pursuant to the Shelburne Subdivision Regulations, Section 1050.
8. Review of any legal documents shall be completed prior to the signing of the Final Plat, and review by the Town Attorney will occur pursuant to the Shelburne Zoning Regulations, Section 610(12).
9. Prior to the beginning of construction the applicant shall provide one complete set of certified copies of state approved plans for the subdivision to the Shelburne Water Quality Superintendent, and if required, one complete set of certified plans for stormwater treatment and/or erosion prevention and sediment control which shall include any and all changes made subsequent to review and approval by the Development Review Board.
10. The applicant shall install up to two road signs along Webster Road at the request of the Shelburne Highway Superintendent after road construction if necessary.

**VOTING by roll call: unanimous (8-0); motion carried.**

## 6. OTHER BUSINESS/CORRESPONDENCE

### *Administrative Approval Notice*

SP20-06, Wake Robin Corporation, 200 Wake Robin Drive, 8'x 8' COVID screening checkpoint structure.

Anne Bentley noted it appears there is exterior lighting by the structure which was not included in the application. Staff will investigate the matter.

### *Discussion: Regulatory Reform*

The DRB discussed the Selectboard's directive to try in the short term to make the bylaws more efficient and effective by eliminating redundancy and simplifying the review process versus creating a unified development code with the subdivision and zoning bylaws in one document (creating this will be a lengthy process). Options discussed by the DRB to improve efficiency include more administrative approvals, having a consent agenda, improving the review process while still maintaining the public comment component, removing redundancies and conflicting regulations. There was agreement issues with the bylaws encountered by the DRB in the review process should be brought to the Planning Commission, and together the DRB and Planning Commission should work toward resolution and consolidating the application process. As an assignment each DRB member will think of two items that would be beneficial to help applicants through the permit process. The ideas should be forwarded to staff within a week to be included in a memo to the Town Manager.

Joyce George, resident, asked for confirmation that according to the discussion by the DRB the simplifying of the process will start with focusing on sidewalk and sign regulations then eliminating any town restrictions that exceed state restrictions, and the size of a project should be defined (relative to qualifying for administrative approval), and if the administration and the applicant agree then there is no need to go before the DRB. Chair Hillman pointed out the DRB discussed the points mentioned, but there was no consensus.

## 7. ADJOURNMENT

**MOTION by John Day, SECOND by Anne Bentley, to adjourn the meeting.**

**VOTING by roll call: unanimous (8-0); motion carried.**

The meeting was adjourned at 8:20 PM.

*RScty by tape: MERiordan*