

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 21, 2020**

**\*Meeting held by teleconference.**

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

**STAFF PRESENT:** Dana Hanley, DRB Coordinator; Lee Krohn, Town Manager; John Goodrich, Deputy Fire Chief.

**OTHERS PRESENT:** Dave Marshall, William Griffin, Bob Bouchard, Gail Albert.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (10/7/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
  - Preliminary Plan, Subdivision, Three Lots, 537 Thompson Road, Griffin (SUB19-11R2)
  - Final Plan, Re-Subdivision, Lot #6, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (SUB15-05R3)
  - Final Plan, Re-Subdivision, Lot #4 and Lot #5, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (SUB15-05R4)
  - Conditional Use, Fire/Rescue Facility, Lot 6A, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (CU20-07)
  - Conditional Use, Healthy Living Food Market, Lot 6, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (CU20-08)
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**

*October 7, 2020*

**MOTION by John Day, SECOND by Mike Major, to approve the minutes of 10/7/20 with the addition of an approval condition to the application by Trinity Baptist Church, Webster Road (SUB19-08) to read “An appropriate bond will be posted for landscaping.” VOTING by roll call: unanimous (5-0) [Anne Bentley not present for vote]; motion carried.**

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

There were no announcements of potential conflicts of interest from the board members at this time. 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.

Dana Hanley explained the need for people to identify themselves as an ‘interested person’ and provide their contact information for the record.

#### 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.

#### **SUB19-11R2: Preliminary Plan for a three lot subdivision at 537 Thompson Road in the Residential District and Stormwater-Impaired Overlay District by Christine G. Griffin Revocable Trust**

William Griffin, applicant, and Dave Marshall, CEA, appeared on behalf of the application.

##### Submittals:

- Cover letter from Dave Marshall, dated 9/28/20
- Preliminary Plan Review Application
- List of adjoiners
- General Application Form
- Article VI, Application Submission Requirements
- 537 Thompson Road Proposed Residential Subdivision Summary of Applicable Planning Standards
- Wildlife and Endangered Species Mapping, VT ANR
- Area Well Mapping, VT ANR
- Land Use: 210 Single Family Detached Housing
- 537 Thompson Road Proposed Subdivision Review of Town Plan Housing Objectives
- Growth Area 2: Beyond the Village
- Article IV, Residential District Code Compliance
- 430 Dimensional Requirements
- Wetlands Mapping, VT ANR
- Significant Habitat Threatened Species, VT ANR
- Floodways and Stream River Corridors, VT ANR
- E-911 Review, State of Vermont
- Significant Views, Associates in Rural Development
- Stormwater Infrastructure Impaired Watershed and Other Regulatory Bodies, Associates in Rural Development

- Natural Heritage Sites and biological Natural Areas, Associates in Rural Development
- Property Paths, Trails, and Lanes, Associate in Rural Development
- Slopes (Generalized), Associates in Rural Development
- Wildlife Habitat and Associated Resources, Associates in Rural Development
- Agricultural Potential of Soils, Associates in Rural Development Existing Land Use Cover, Associates in Rural Development
- Warranty Deed (draft)
- Assorted photographs of property
- Memo to Chris Robinsons form David Wheeler, dated 9/23/20
- Review comments from Aaron Noble, Shelburne Police chief
- Review comments from Rick Lewis, Shelburne Water Superintendent
- Review comments from Chris Robinson, Shelburne Wastewater Superintendent
- Review comments from Betsy Ceiplicki, Shelburne Parks and Recreation Director
- Review comments from Lee Krohn, Shelburne Town Manager
- Email from Lee Krohn to Dave Marshall, William Griffin, Dana Hanley
- Review comments form Gail Albert, Shelburne Natural Resources Committee, dated 9/9/20
- Burlington Free Press Notice, 10/4/20
- Shelburne DRB Notice of Public hearing
- Notice of application
- Drawing No. C0, Overall Site Plan, Griffin Property, CEA, Inc. 9/29/20
- Sheet P1, one of one, Christine G. Griffin Trust Revocable Trust, Proposed 3-Lot Subdivision, CEA, Inc. 9/29/20
- Drawing No. C1.0, Existing Conditions Site Plan, Griffin Property, CEA, Inc. 9/29/20
- Drawing No. C2.0, Overall Proposed Conditions Site Plan, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C2.1 Proposed Grading and Drainage Plan, Griffin Property, CEA, Inc. 9/29/20
- Drawing No. C2.2, Proposed Stormwater Management Plan, Griffin Property CEA, Inc., 9/29/20
- Drawing No. C3.0, Proposed Utility Plan, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C4.0, EPSC Site Plan, Griffin Property, CEA, Inc, 9/29/20
- Drawing No. C4.1, EPSC Specifications and Details, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C5.0, Site Details, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C5.1, Existing Conditions Site Plan, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C5.2, Utility Details, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. c5.3, Septic Details, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C5.4, Wastewater Details, Griffin Property, CEA, Inc., 9.29.20
- Drawing No. C6.0, Specifications, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C6.1, Specifications, Griffin Property, CEA, Inc., 9/29 20

- Drawing No. C6.4, Specifications, Griffin Property, CEA, Inc., 9/29/20
- Drawing No. C6.5, Specifications, Griffin Property, CEA, Inc., 9/29/20
- Town of Shelburne Staff Report, dated 10/21/20

#### STAFF REPORT

The DRB received a written staff report on the application, dated 10/21/20. Dana Hanley mentioned the issue of requiring a sidewalk that does not connect anywhere and the request from the applicant not to have a sidewalk. Broader discussion of the issue is needed at some point in time so there is better direction with applications.

#### APPLICANT COMMENTS

Dave Marshall reviewed the site plan creating two new lots in the northeast quadrant of 14+ acres at 537 Thompson Road. The existing driveway will be widened off Thompson Road and a common driveway created then split to access the two new lots. The lots will be served by onsite water and sewer. The application is in compliance with Shelburne's Subdivision Regulations. Following discussion with the neighbors, there will be a six foot high privacy fence on the westerly and northerly boundary lines. The stormwater management will comply with the state stormwater manual.

There was discussion of the requested waivers (gravel driveway, no as-builts, onsite septic and water, legal documents and easements at Final Plat). The DRB had no concerns with the waivers.

Allyson Myers asked if there will be landscaping along the fence. Dave Marshall said the intent is to minimize the number of trees to be removed for the driveway. There will be a combination of fencing and landscaping.

Dave Hillman asked for an explanation of the re-subdivision. Dave Marshall explained the original three lot subdivision dated back 50 years so there was question of whether the re-subdivision requires a three step review. The Planning Commission was asked to review the matter. The proposal is going through the review process in the meantime.

#### PUBLIC COMMENT

A resident in Cedar Ridge Estates asked if the fire pond will be used for fire protection and if the new lots will be included in covering the expenses of the pond. The pond needs maintenance. Dave Marshall said the comments on the fire pond were in error and for a different project. The Fire Chief has reviewed fire safety issues with the subdivision. The question of the owners of the newly created lots helping with costs associated with the pond should be considered. Deputy Fire Chief, John Goodrich, said access to the pond should be discussed. Bill Griffin confirmed there is a large pond on his property with plenty of water.

#### DELIBERATION/DECISION

Preliminary Plan, Subdivision, Three Lots, 537 Thompson Road, Griffin (SUB19-11R2)  
**MOTION by John Day, SECOND by Mike Major, to finalize the record, close the hearing and direct staff to prepare a Final Plan application for SUB19-11R2, three**

lot subdivision at 537 Thompson Road by the Christine G. Griffin Revocable Trust, with the following conditions:

1. The project shall be constructed in accordance with the approved plans.
2. No topsoil, sand, or gravel shall be removed from the subdivision for any other purpose than to meet construction needs of the particular subdivision or to meet the requirements of the Shelburne Zoning Bylaws.
3. The applicant shall obtain authorization to work under General Permit 3-9020 for Construction Stormwater prior to seeking a zoning permit for the first buildings.
4. The applicant will provide a copy of the state's water supply and wastewater disposal permit prior to seeking a zoning permit for the first building.
5. The project will require a Wastewater Disposal and Potable Water Supply Permit from the State of Vermont, and the state permit will be required along with the filing of the Final Plan Review Application.
6. The applicant will submit a Project Review Sheet with the Final Plan application.
7. The four waivers requested by the applicant are approved.

**DISCUSSION:**

- Allyson Myers mentioned errors and inaccuracies in the Staff Report that need to be corrected. John Day said comments made by the applicant's engineer with regard to the inadvertent transposition of language from another project are acknowledged. Dave Hillman advised it would be good to have follow up with staff so the Staff Report is correct.

**VOTING by roll call: unanimous (6-0); motion carried.**

Following discussion, the DRB agreed to address the re-subdivision applications by Pizzagalli Properties, Inc./Rice Lumber Co. together and the conditional use applications together.

**SUB15-05R3 & SUB15-05R4: Final Plan for re-subdivision of Lot 6 into Lots 6 & 6A (SUB15-05R3) and re-subdivision of Lot 4 into Lots 4 & 4A and Lot 5 into Lots 5 & 5A at 4188 Shelburne Road in the Mixed Use District and the Stormwater Overlay-Impaired District by Pizzagalli Properties, Inc./Rice Lumber Co.**

Dave Marshall, CEA, and Bob Bouchard, Pizzagalli Properties, appeared on behalf of the application.

David Hillman mentioned his employer has a business relationship with Pizzagalli Properties, but this will not impair his role in review of the applications. No concerns or request for recusal were expressed by the DRB or public.

Submittals for SUB15-05R3:

- Cover letter from David Marshall, CEA, dated 9/4/20
- Final Plan (Plat) Review Application
- General Application Form
- Adjoiners list

- Rice Lumber Co Proposed Re-Subdivision Lot 6 Summary of Applicable Planning Standards
- Article IX: Development Requirements and Design Standards
- Memo from Britney Aube to DRB and Rice Lumber applicants, dated 6/8/20
- Attorney Report and Opinion on Title, Joseph D. Fallon, Esq., dated 12/22/15
- Letter from Joseph D. Fallon, Esq., dated 12/28/15
- Letter from Light Space Design, dated 2/20/20
- Agreement to Grant Cross-Easements
- Notice of Application
- Drawing No. C1.0 Overall Site Location Plan, CEA, April 2020
- Final Plat, Krebs & Lansing Consulting Engineers, 2/7/20, last revised 10/14/20
- Drawing No. C2.0h, Healthy Living Proposed General Conditions Plan, CEA, April 2020
- Drawing No. C2.2h, Healthy Living Proposed Drainage Plan CEA, April 2020 last revised 8/25/20
- Drawing No. 2.3h, Healthy Living Proposed Utility Plan, CEA, April 2020, last revised 8/25/20
- Drawing No. C2.2f, Shelburne Fire Department Proposed Grading and Drainage Plan, CEA, April 2020, last revised 7/31/20
- Drawing No. C2.3f, Shelburne Fire Department Proposed Utility Plan, CEA, April 2020
- Drawing No. C2.4, Shelburne Fire Department Proposed Grading and Drainage Plan, CEA, April 2020
- Memo from Shelburne Wastewater Superintendent, Chris Robinson, dated 9/28/20
- Memo from Shelburne Wastewater Superintendent, Chris Robinson, dated 10/8/20
- Town of Shelburne Staff Report, dated 10/21/20

Submittals for SUB15-05R4:

- Cover letter from Dave Marshall, CEA, dated 9/8/20
- Final Plan (Plat) Review Application
- General Application Form
- Adjoiners list
- Submittal Requirements, 610 Final Plat, Major and Minor Subdivision.
- Article IX: Development Requirements and Design Standards
- Memo from Britney Aube to DRB and PUD applicants, dated 6/8/20
- Attorney Report and Opinion on Title
- Rice Lumber Co. PUD Proposed Boundary Line Adjustment of Lots 2,4,5,7,8,9, and Re-Subdivision of Lots 4 and 5, PUD Compliance Narrative
- Rice Lumber Co. Proposed Re-Subdivision Summary of Applicable Planning Standards
- Article IX: Development Requirements and Design Standards
- Memo from Britney Aube to DRB and Rice Lumber applicants, dated 6/8/20

- Attorney Report and Opinion on Title, Joseph D. Fallon, Esq., dated 12/22/15
- Letter from Joseph D. Fallon, Esq., dated 12/28/15
- Agreement to Grant Cross-Easements
- Notice of Application
- Property Owner Authorization Letter
- Burlington Free Press advertisement, 10/4/20
- Shelburne DRB Hearing Notice
- Drawing No. C1.0 Overall Site Location Plan, CEA, April 2020
- Final Plat, Krebs & Lansing Consulting Engineers, 2/7/20, last revised 10/14/20
- Drawing No. C2.0h, Healthy Living Proposed General Conditions Plan, CEA, April 2020
- Drawing No. C2.2h, Healthy Living Proposed Drainage Plan, CEA, April 2020
- Drawing No. C2.3 Healthy Living Proposed Utility Plan, CEA, April 2020, last revised 9/21/20
- Drawing No. C2.2f, Shelburne Fire Department Proposed Grading and Drainage Plan, CEA, April 2020, last revised 7/31/20
- Drawing No. C2.3f, Shelburne Fire Department Proposed Utility Plan, CEA, April 2020, last revised 8/25/20
- Drawing No. C2.4, Shelburne Fire Department Proposed Grading and Drainage Plan, CEA, April 2020
- Drawing FP-1, Final Plat Rice Lumber Redevelopment Project, Krebs and Lansing Consulting Engineers, dated 2/7/20
- Drawing C1.0, Overall Site Location Plan Rice Lumber PUD Re-Subdivision of Lots 4 and 5, May 2020
- Proposed Lot Layout, Krebs and Lansing Consulting Engineers, dated May 2020
- Memorandum from Chris Robinson, Shelburne Water Quality Superintendent, dated 9/28/20
- Memorandum from Chris Robinson, Shelburne Water Quality Superintendent, dated 10/8/20
- Town of Shelburne Staff Report, dated 10/21/20

#### STAFF REPORT

The DRB received written staff reports on the applications, dated 10/21/20.

#### APPLICANT COMMENTS

Dave Marshall described the re-subdivision of Lot 6 into Lot 6 and Lot 6A. The re-subdivided lots as well as lots 4 & 5 will go to the signalized intersection. Lots 4 and 5 will be subdivided in the future. A boundary line adjustment will be done to provide more buffer to the residential lots.

Mike Major asked if material will be removed from bank for the boundary line adjustment. Dave Marshall said a proposal will be submitted to staff for the boundary line adjustment.

Dana Hanley mentioned the cost sharing agreement between the town and the applicant. Bob Bouchard said there is a 50% shared cost in the private drive and utilities. Legal documents will be submitted. There could be a condition of approval saying the documents need to be reviewed prior to issuing a zoning permit.

John Day asked if there are any changes in the plans since Preliminary Plan Review. Dave Marshall confirmed the plans are the same.

#### PUBLIC COMMENT

Gail Albert, Shelburne Natural Resources Committee, asked if the comments from the committee were reviewed by the DRB. There is concern about the area by Lot 10 and blasting. John Day recalled the language was modified regarding development or use of Lot 10. What is before the DRB does not involve Lot 10 and reference to Lot 10 has been removed.

#### DELIBERATION/DECISION

Final Plan, Re-Subdivision, Lot 6 into Lot 6 & 6A, Lot 4 into Lot 4 & 4A, and Lot 5 into Lot 5 & Lot 5A, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (SUB15-05R3 & SUB15-05R4)

**MOTION by John Day, SECOND by Mark Sammut, to finalize the record, close the hearing, and direct staff to prepare a decision approving the Pizzagalli Properties, Inc./Rice Lumber Co. re-subdivision proposal of Lot 6 (SUB15-05R3), Lot 4 and Lot 5 (SUB15-05R4) at 4188 Shelburne Road with the following conditions:**

- 1. All construction shall be done in accordance with approved plans.**
- 2. The applicant shall submit to the Selectboard sewer allocation along with the filing of a building permit.**
- 3. The applicant shall regularly maintain all stormwater conveyance and treatment systems.**
- 4. 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 Shelburne Subdivision Regulations, Section 1050.**
- 5. Review of any legal documents shall be completed prior to signing the Final Plat, and review by the Town Attorney will occur pursuant to Shelburne Zoning Regulations, Section 610(12).**
- 6. Prior to the beginning of construction the subdivider shall provide to the Shelburne Water Quality Superintendent one complete set of certified copies of the state approve plans for the subdivision 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 DRB.**
- 7. The applicant is not authorized to apply for a zoning permit to construct a building on any proposed building lot and will not be until such time as a letter authorizing an application is furnished by the Shelburne Wastewater Superintendent, and the purpose of such letter shall be to confirm that issues relating to capacity of the wastewater collection system serving the proposed**



building lot have been resolved to the satisfaction of the Wastewater Department.

**VOTING by roll call: unanimous (6-0); motion carried.**

**CU20-07 & CU20-08: Conditional Use for a Fire/Rescue Facility on Lot 6A (CU20-07) and a Healthy Living Food Market on Lot 6 (CU20-08) at 4188 Shelburne Road in the Mixed Use District and the Stormwater Overlay-Impaired District by Pizzagalli Properties, Inc./Rice Lumber Co.**

Dave Marshall, CEA, Bob Bouchard, Pizzagalli Properties, and Lee Krohn, Town of Shelburne, appeared on behalf of the application.

Submittals for CU20-07:

- Conditional Use Review Application
- Fire/Rescue Facility Response Narrative
- Rice Lumber abutter list
- Burlington Free Press Notice, 10/4/20
- Town of Shelburne DRB Notice of Public Hearing
- Notice of Application
- Memorandum from Chris Robinsons, Shelburne Wastewater Superintendent, dated 10/8/20
- Email form Chris Wheeler, Stormwater Superintendent, South Burlington, VT, dated 10/13/20
- Town of Shelburne Staff Report, dated 10/21/20

Submittals for CU20-08:

- Conditional Use Review Application
- Conditional Use Response Narrative
- List of abutters
- Burlington Free Press Notice, 10/4/20
- Town of Shelburne DRB Notice of Public Hearing, 10/4/20
- Notice of Application
- Memorandum from Chris Robinson, Shelburne Wastewater Superintendent, dated 9/29/20
- Memorandum from Chris Robinson, Shelburne Wastewater Superintendent, dated 10/8/20
- Email form David Wheeler, Stormwater Superintendent, South Burlington, VT, dated 10/13/20
- Town of Shelburne Staff Report, dated 10/21/20

STAFF REPORT

The DRB received written staff reports on the applications, dated 10/21/20.

APPLICANT COMMENTS

David Marshall said the new “ask list” from Chris Robinson needs to be discussed. The applicant is willing to do some of the items, but some are inconsistent with the state

approval and some are “over the top”. Bob Bouchard said comments from the town department heads were solicited and received for Preliminary Plan Review. Adjustments as necessary were made. Now another list was received from Chris Robinson. Dave Marshall explained on the Site Utility Plan the new manhole and sewer line was installed per the request of Chris Robinson, but now additional work on the angle of the pipe into the manhole is wanted even though the state has already approved the alignment.

Lee Krohn, Shelburne Town Manager, said the timing of the staff recommendations is troubling when the state wastewater permits already have been issued. If the recommendations were implemented the state permits would have to be amended and the shared infrastructure costs would increase.

David Marshall suggested the first three conditions of approval be removed and Condition #5 say that the plan should be revised to indicate there will be a cap at the end of the stub to the most westerly manhole #2. Mark Sammut said the language should be reworded to say connections shall be made with a full length of capped pipe.

Regarding CU20-07 for the Healthy Living proposal, correction in the Staff Report overview of the square footage is needed (19,680 s.f. is the correct number) and Lot 6A is 2.23 acres. The case number is CU20-07.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Conditional Use, Fire/Rescue Facility & Healthy Living Food Market, 4188 Shelburne Road, Pizzagalli Properties, Inc./Rice Lumber Co. (CU20-07 & CU20-08)

**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 CU20-07 and CU20-08 at 4188 Shelburne Road by Pizzagalli Properties, Inc./Rice Lumber Co. with the following conditions:**

1. **The applicant shall provide detail for cut and cap of sewer laterals.**
2. **The sewer stub shall consist of 8” full length of pipe to be installed and capped.**
3. **The sewer shall have an external trap installed for sedimentation and grease and oil.**
4. **The catch basins and drainage manholes shall be numbered.**
5. **The new sampling manhole shall be installed at the intersection of the sanitary flow and grease trap outlet which is required for all commercial properties that have the potential of discharge of high strength waste.**
6. **The sanitary sewer system shall remain private until such time as the town decides to take ownership.**
7. **The applicant shall create a landscape escrow account prior to the issuance of a building permit.**
8. **The applicant shall submit as-built drawings prior to filing a Certificate of Occupancy.**

**9. The catch basins and drainage manholes shall be numbered.**

**10. The project shall be constructed in accordance with the approved plans.**

**VOTING by roll call: unanimous (6-0); motion carried.**

**6. OTHER BUSINESS/CORRESPONDENCE**

*Budget Recommendations*

The DRB should forward recommendations to be incorporated into the next fiscal year budget.

*Regulatory Reform*

The DRB was reminded to submit two suggestions that would be beneficial to help applicants through the permit process.

**7. ADJOURNMENT**

**MOTION by David Hillman, SECOND by John Day, to adjourn the meeting.**

**VOTING by roll call: unanimous (6-0); motion carried.**

The meeting was adjourned at 8:44 PM.

*RScty by tape: MERiordan*