

**TOWN OF SHELBURNE
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING**

November 18, 2020

***Meeting held by teleconference.**

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

STAFF PRESENT: Dana Hanley, DRB Coordinator.

OTHERS PRESENT: Andy Rowe, Bart Frisbie, Bridgett Morris, Tom Juiffe.

AGENDA:

1. Call to Order and Agenda
2. Public Comment
3. Approval of Minutes (11/4/20)
4. Disclosures/Potential Conflicts of Interest
5. Applications
 - Conditional Use, Non-Conforming Sign Replacement, 5112 Shelburne Road, TD Bank (CU09-07R1)
 - Conditional Use, Non-Conforming Sign Replacement, 2834 Shelburne Road Angolano & Company (CU20-05)
 - Final Plan, PUD Subdivision, 18 Lots, 428 Webster Road, Sterling Land Co., LLC (SUB19-05)
6. Other Business
7. Adjournment

1. CALL TO ORDER and AGENDA

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

Dana Hanley explained “interested persons” status in the hearings and for appeals. Individuals wishing to participate in the hearings or in an appeal must submit their information to the Planning & Zoning Office. John Day suggested this notice be included on each meeting agenda.

2. PUBLIC COMMENTS

There were no comments at this time from the public.

3. MINUTES

November 4, 2020

MOTION by John Day, SECOND by Mike Major, to approve the minutes of 11/4/20 with correction of the spelling of the last name “Plante”. VOTING by rollcall: unanimous (7-0); 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.

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.

CU09-07R1: Conditional Use application to replace an existing non-conforming sign at 5112 Shelburne Road in the Village Center Mixed Use District, Village Design Review Overlay District and Village Core Overlay District by TD Bank

Bridgett Morris with One Stop Signs appeared on behalf of the application.

Submittals:

- Application to Modify Non-Conforming Property
- List of abutters
- Existing sign photographs
- Proposed sign depictions
- Orthophoto of 5112 Shelburne Road
- Historic Preservation Design Review Application
- Notice in Burlington Free Press, 11/1/20
- Notice of Public Hearing, Shelburne DRB, 11/1/20
- Notice of Application, Shelburne Planning & Zoning Office
- Town of Shelburne Staff Report, dated 11/18/20

STAFF REPORT

The DRB received a written staff report on the application, dated 11/18/20.

APPLICANT COMMENTS

Bridgett Morris explained the monument sign, wall sign, and ATM signs are being updated due to rebranding by TD Bank. There are no changes to sign size or location.

It was noted the existing signs are non-conforming, but the changes do not increase the nonconformance.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Replace Non-Conforming Sign, 5112 Shelburne Road, TD Bank (CU09-07R1)

MOTION by Mike Major, SECOND by Anne Bentley, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU09-07R1 for the replacement of an existing non-conforming sign at 5112 Shelburne Road by TD Bank with the following conditions:

1. **The project shall be constructed in accordance with the approved renderings.**
2. **The applicant shall file a zoning permit application prior to installation of the new sign.**

VOTING by rollcall: unanimous (7-0); motion carried.

CU20-05: Conditional Use application to replace a non-conforming sign at 2834 Shelburne Road in the Mixed Use District and Stormwater Overlay District by Angolano & Company

Tom Juiffe, Angolano & Company, appeared on behalf of the application.

Submittals:

- Application to Modify Non-Conforming Property
- List of abutters
- Property Owner Authorization
- Existing sign photographs
- Proposed sign depictions
- Orthophoto of 2834 Shelburne Road
- LED Linear Light Specifications
- Notice in Burlington Free Press, 11/1/20
- Notice of Public Hearing, Shelburne DRB, 11/1/20
- Notice of Application, Shelburne Planning & Zoning Office
- Town of Shelburne Staff Report, dated 11/18/20

STAFF REPORT

The DRB received a written staff report on the application, dated 11/18/20.

APPLICANT COMMENTS

Tom Juiffe reviewed the new sign to replace the existing sign in the same location. The new sign is smaller in size. The existing ground lighting will remain.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Conditional Use, Replace Non-Conforming Sign, 2834 Shelburne Road, Angolano & Company (CU20-05)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision indicating approval of CU20-05 to replace an existing non-conforming sign at 2834 Shelburne Road by Angolano & Company 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.**

VOTING by rollcall: unanimous (7-0); motion carried.

SUB19-05: Final Plan for an 18 lot PUD subdivision at 428 Webster Road in the Residential District and Stormwater Overlay District by Sterling Land Co., LLC

Andy Rowe with Lamoureux & Dickinson Consulting Engineers and Bart Frisbie, owner, appeared on behalf of the application.

Submittals:

- Sheet No. 1 Overall Site Plan, Lamoureux & Dickinson, dated 6/19/20, last revised 9/14/20
- Sheet No. 2 Grading & Utility Plan West, dated 6/19/20, last revised 9/14/20
- Sheet No. 3 Grading & Utility Plan East, dated 6/19/20, last revised 9/14/20
- Sheet No. 4 Ferndale Way, Street Profile, dated 6/19/20, last revised 9/14/20
- Sheet No. 5 Landscaping Plan, dated 6/19/20, last revised 9/14/20
- Sheet No. 6 Erosion Prevention & Sediment Control, Pre-Construction, dated 6/19/20
- Sheet No. 7 Erosion Prevention & Sediment Control, Post-Construction, dated 6/19/20
- Sheet No. 8 Erosion Prevention & Sediment Control, Stabilization, dated 6/19/20
- Sheet No. 9 Details and Road Specifications, dated 6/19/20
- Sheet No. 10 Details and Specifications, Sewer, dated 6/19/20, last revised 7/10/20
- Sheet No. 11 Details and Specifications, Water, dated 6/19/20
- Sheet No. 12 Details and Specifications, Storm & EPSC, dated 6/19/20
- Sheet No. 13 Details and Specifications, Stormwater Bioretention Area, dated 6/19/20
- Sheet No. 14 Details and specifications, Gravel Wetland, dated 6/19/20
- Sheet No. 15 Post-Construction Soil Depth and Quality Plan, dated 6/19/20
- Sheet No. PL Subdivision Plat, dated 6/19/20, last revised 9/14/20
- Sheet No. ST1 Stormwater Drainage Areas & Layout, dated 6/19/20
- Shelburne DRB Notice of Public Hearing
- Notice of Application
- Letter from Andy Rowe, dated 7/24/20
- Preliminary Plan Review Application
- Site Plan Review Application
- Site Location Map, ANR, PUD-R
- Attachment 1: Narrative, Location Map and Soils Map, Gardenside Nurseries
- Webster Road PUD-R, Gardenside Nursery Property, July 2020
- Memo from Art Gilman, Gilman & Briggs Environmental, dated 7/15/19
- Letter from Scott Newman, dated 4/13/20
- Technical Memo from Roger Dickinson, dated 6/29/20
- Attachment A Intersection Capacity Analysis
- School Impact Questionnaire
- Final Plan Review, Betsy Cieplicki, dated 6/26/20
- Final Plan Review, Aaron Noble, dated 6/26/20
- Memo form Lee Krohn, dated 7/9/20
- Preliminary Plan Review, Jerry Ouiment, dated 7/19/20
- Memo from Chris Robinson, dated 7/9/20

- Email from Rick Lewis, dated 7/23/20
- Email from Andy Rowe, dated 8/12/20
- Letter from Any Rowe, dated 10/5/20
- Final Plan Review Application
- Irrevocable Offer of Dedication
- Draft Warranty Deeds
- Draft Easement Deeds
- Draft Declaration of Ferndale Way Planned Community
- Draft Property Description
- Certification pursuant to 27VSA2-109
- Bylaws of Ferndale Way Homeowners Association
- Burlington Free Press Notice, 11/1/20
- Shelburne DRB Notice of Public Hearing, 11/1/20
- Notice of Application, Final Plan
- Memo from Chris Robinson, dated 11/4/20
- Memo from David Wheeler, dated 11/3/20
- Town of Shelburne Staff Report, dated 11/18/20

STAFF REPORT

The DRB received a written staff report on the application, dated 11/18/20.

APPLICANT COMMENTS

Andy Rowe said the only changes to the plan are to address staff comments and the changes were technical items related to water. There are no changes to lot layout, streets, or landscaping. The applicant is requesting a waiver to increase the lot coverage from 35% to 40% on Lot 14 due to the wetlands impact. Bart Frisbie clarified the request for waiver is to allow an increase in lot coverage on the two duplex lots, lots 13 & 14 and lots 15 & 16, because they are very tight in terms of area. Following discussion, the DRB agreed more information is needed for the increase in lot coverage on lots 15 & 16. Bart Frisbie withdrew the request for those lots and maintained the request for increased lot coverage on lots 13 & 14, adding staff condition #2, Subsection (b), could reflect the increase in lot coverage to 40% on lots 13 & 14.

Anne Bentley asked about ongoing maintenance of the stormwater system. John Day suggested a provision on this could be detailed in the legal documents that require review and approval by the Town Attorney. Mark Sammut confirmed the project needs a state stormwater permit which will ensure maintenance of the system. Andy Rowe said the stormwater permit for the project is under technical review by the state before being issued. Ongoing maintenance of the stormwater system is required to remain in compliance with the state permit.

PUBLIC COMMENT

None.

DELIBERATION/DECISION

Final Plan, PUD Subdivision, 18 Lots, 428 Webster Road, Sterling Land Co., LLC (SUB19-05)

MOTION by Mark Sammut, SECOND by John Day, to finalize the record, close the hearing, and direct staff to prepare a decision granting Final Plan approval of SUB19-05, application by Sterling Land Co., LLC for an 18 lot Residential PUD at 428 Webster Road with the following conditions:

1. **The project must be implemented consistent with the approved plans.**
2. **The applicant must provide a suitable performance bond or other form of security to guarantee the performance and completion of all landscaping required pursuant to the bylaws, and the bond or security shall also guarantee all plantings for a period of two years.**
3. **Legal documents for the project consisting of the proposed Open Space Agreement, easement documents for the 10' wide pedestrian easement, and the dry hydrant easement per the Shelburne Fire Department, will require final review and approval by the Town Attorney prior to recording in the Shelburne land records pursuant to Shelburne Zoning Bylaws, Section 610(12).**
4. **The applicant shall provide a copy of the Vermont Wastewater Permit prior to seeking a building permit for the first building in the project.**
5. **The applicant must furnish a mylar for the Final Plat for signature by the DRB Chair, and the plat must be recorded in the Shelburne land records within 180 days of the signed approval of the decision pursuant to Shelburne Subdivision Regulations, Section 1050.**
6. **The DRB grants the waiver requests by the applicant pursuant to the PUD provisions in Article XIX, Section 1930, as follows;**
 - **To reduce the minimum lot size for single family lots and duplex lots**
 - **To increase the building lot coverage to 35% and increase the building lot coverage to 40% on lots 13 & 14**
 - **To reduce the side yard setback to zero (0) for the duplex building lots**
 - **To reduce the side yard setback to 10' for the single family lots**
 - **To reduce the front yard setback to 15' for lots with frontage on the new public street**
 - **To reduce the minimum lot frontage to 47.07' on Lot #15**

VOTING by rollcall: unanimous (7-0); motion carried.

6. OTHER BUSINESS/CORRESPONDENCE

Information submitted to the DRB within 7 Days of Meeting

There was discussion of the DRB having discretion to accept documentary evidence filed within seven days of a meeting if the information is beneficial, and that evidence should be accepted on any application, not just continued applications. Section 7(c) in the DRB Rules of Procedure could be modified by eliminating "a hearing that has been continued".

MOTION by John Day, SECOND by Doug Griswold, that the consensus of the DRB is to have case-by-case discretion to accept evidence on an application, and to amend Section 7(c) of the DRB Rules of Procedure by deleting the words "a hearing that has been continued". VOTING by rollcall: unanimous (7-0); motion carried.

Staff will send a note to Lee Krohn and Dean Pierce on the position of the DRB.

On-the-Record Review

There was discussion of on-the-record review versus de-novo review and whether on-the-record review saves the town money in the long run.

DRB Orientation for New Members

There was discussion of the need for an orientation of new members to the DRB Rules of Procedure and Rules of Evidence. Staff will ensure the rules are posted on the website and add a link to the subdivision regulations and the current zoning bylaws. A copy of the DRB Rules of Procedure and Rules of Evidence will be sent to each DRB member.

7. ADJOURNMENT

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

VOTING by rollcall: unanimous (7-0); motion carried.

The meeting was adjourned at 8:24 PM.

RScty by tape: MERiordan