

Shaftsbury Development Review Board  
July 3, 2019

The meeting came to order at 6:04 pm. Present were board members Tom Huncharek (chair), Mike Day, and Lon McClintock. Zoning administrator Shelly Stiles was also present.

Mr. Huncharek moved to approve the June 19 minutes. Mr. McClintock seconded the motion, which passed 3-0-0.

Sign in sheets were passed around.

There were no conflicts of interest.

Agenda item 5 was postponed to the next meeting.

Mr. Bill Fisk and Mr. Rex Burke presented a proposal regarding four lots on Glastenview Drive: parcel 15 20 19, lots 1-3, owned by Mr. Burke, and parcel 15 20 13, "road parcel," owned by Peter Cross. The subdivision affecting these lots took place before zoning and Act 250 were adopted.

Mr. Fisk presented a packet of information consisting of a June 9, 1970 letter from the Department of Environmental Conservation exempting the project from permitting requirements as it was a pre-existing subdivision, a map of related land parcels, a summary of related deeds, deeds tracing ownership from Daniels to Colvin to current owners, and a 100' abutters list.

Mr. Fisk said he could find no subdivision permit in the land records and no plat was filed. He secured a copy of the original survey plat, unrecorded, from the files of surveyor Dan Cadiz. None of the deeds except the deed for what is now Mr. Burke's land referenced a right of way to the "road parcel."

Mr. Burke explained he wished to merge land from the "road parcel" lying adjacent to his lots 5 on the west and 7 on the east to each lot respectively, splitting the road parcel down the middle north to south. He described the history of the lots. Mr. Cross is amenable to the proposal. All of Mr. Burke's parcels are conforming.

Mr. McClintock asked Mr. Fisk to clarify certain language referencing "right of way" in some of the deeds presented in the packet of information.

Mr. Fisk said no adjoiner had been notified yet, but none of their land rights would be affected by Mr. Burke's proposal.

Mr. Huncharek summarized the discussion as: Mr. Burke wishes to purchase a small parcel. It would be a non-conforming lot. The next step would be a boundary line adjustment. Can a non-conforming lot be created by purchase? Mr. McClintock said he thought it could be created by purchase, but it could not be considered a building lot.

It was agreed that in this case all those abutting Mr. Burke's parcels and Mr. Cross's parcel, including those west of Grandview St., would require notice.

Mr. McClintock asked whether Mr. Cross could be the applicant instead, and sell the road parcel in two equal pieces to Mr. Burke. The transaction would still have to be accompanied by a recorded boundary line adjustment and filed deeds.

Mr. Huncharek will ask the town attorney whether a statement regarding "automatic deferral" of a wastewater permit placed on the plat would be sufficient, or whether the town needs a statement from DEC that a deferral has been given in order to confirm that all state permits are in order.

Mr. Fisk said he'd get together with Jason Morrissey, Peter Cross's lawyer, to move the project forward.

There are no outstanding applications for the July 17 meeting. The meeting is therefore cancelled. The next meeting will be held August 7. The August 21 meeting will be cancelled for lack of a quorum.

Mr. McClintock moved to adjourn at 7:15 pm. Mr. Day seconded the motion, which passed 3-0-0.

Notes by ZA Stiles