

Shaftsbury Development Review Board

September 16, 2020

The meeting **came to order** remotely, via the web platform GoToMeeting, at 6:05 p.m. Present were Board members Tom Huncharek (chair), Mike Day, and Lon McClintock; zoning administrator Shelly Stiles; and several citizens.

No one reported a **conflict of interest** with any item on the agenda.

Approval of the **September 8 minutes** were tabled until a later meeting.

The board opened a **hearing on application #20-0069**, Subdivision, Parcel 16 23 02, owner Bennington College Corp., 170 Matteson Road: to subdivide a 67.04 acre parcel into two lots, lot 1 at 57.04 acres and lot 2 at 10.00 acres. Mr. Eamon Mulligan of MSK Engineering presented on behalf of the applicant.

Mr. Mulligan described the applicant's proposal to subdivide from a larger parcel a ten acre lot situated at the northern edge of the larger parcel adjacent to the east side of Mattison Road. The lot would be developed for a single family residence. A wastewater and water supply permit application for the residence is now under review by the State of Vermont.

Mr. Mulligan shared a document illustrating the proposed subdivision plat, which showed the proposed location of the well and a construction envelope for the primary and replacement wastewater system for the residence.

Mr. Mulligan noted that at the sketch plan review meeting, members of the board asked if the parcel had ever been subdivided. He said he has since discovered that it has not been subdivided since at least 1963.

He reported that septic permit WW 8-1673, noted on the plat, permitted the replacement of a failed septic system serving the existing residence on the east side of Mattison. He said he didn't know if a secondary system had been proposed at the time of the replacement of the failed system, but said that since the new system was a mound system, it could be replaced, by State law, in situ with another mound system.

Jenifer McGean, Jan Blair, and Matthew Rogers – all abutters – asked several questions. Mr. Mulligan said he didn't know the location of the failed septic system. He said his employer had been contracted only to secure the subdivision permit and any other state permits related to the subdivision permit. MSK Engineering has not sited the proposed residence or driveway, as those are items that would be covered by a Town building permit. He said the proposed septic isolation zone would not impact the Blair property, and would be located at least 1500 feet from the Rogers property. He shared a computer view of the draft wastewater permit application plans and explained that it appeared that the well protection zone might extend on to the Blair property by as much as 0.05 acres. He noted, however, that he doubted that the plans he was able to share remotely were the most recent ones, and that if indeed the well protection zone were to extend on to the Blair property she would have been notified by certified mail by the State. Mr. Huncharek explained that anything other than a septic field could be constructed in the well protection area.

The Board reviewed the plat according to the requirements of section 5.4, 1-17 of the Town of Shaftsbury Subdivision Regulations. It was confirmed that all relevant required items were shown on the plat except those noted below. Mr. Mulligan will add those items.

- 5.4.2: name and address of owner (to be added to property owner block); Mr. Mulligan's name and professional stamp.

- 5.4.4: the located of the easements described in “Survey Notes” and the approximate location of the proposed residence will be illustrated on the plat.

It was noted that items required by Section 5.6.7, a statement regarding Town subdivision regulations, and 5.6.8, all relevant permit numbers, might reasonably be added at this time.

Mr. Huncharek moved to close the hearing on application #20-0069. Mr. Day seconded the motion, which upon roll call vote passed 3-0-0.

Mr. Huncharek described the review process the DRB would next pursue. He noted that if a decision has not been made within 45 days, approval is automatic. He also noted that interested parties could appeal any decision if done in a timely fashion.

Members of the public departed the hearing.

In “**Other Business**,” Mr. McClintock moved to **reopen private deliberative session** on application 20-0001, Parcel # 15 20 13, 0 Glastenview Drive, owner Peter K. and Paula J. Cross, boundary line adjustment transferring 0.26 acres from Cross to Burke, with easement to be retained by Cross. Mr. Huncharek seconded the motion, which upon roll call vote passed 3-0-0.

Mr. Huncharek moved to leave private deliberative session on application 20-0001. Mr. Day seconded the motion, which upon roll call vote passed 3-0-0.

Mr. McClintock moved to reconsider the vote taken to grant permit 20-0001. Mr. Huncharek seconded the motion. Mr. McClintock said the reason for the reconsideration is that, in permitting the proposed action, parcel 15 20 13 would be subdivided into two lots. The lot south of the Burke property would conform to the Town of Shaftsbury bylaws. The lot north of the Burke property, however, would be nonconforming; it would lack the 150 feet of road frontage required by bylaw Section 4.2.4. Mr. McClintock noted that the testimony of Mr. Burke indicated that the proposed easement over the former road parcel now lying between Burke parcels E5 and E7 would be for utilities, not for use as a roadway. Upon roll call vote, the motion to reconsider passed 3-0-0.

Mr. McClintock moved to deny application 20-0001, filed by Peter K. and Paula J. Cross, because if approved it would create two new lots, one of which would be nonconforming by lacking at least 150 feet of road frontage as required by Section 4.2.4 of the zoning bylaw. Mr. Day seconded the motion, which upon roll call vote passed 3-0-0.

The Board shared comments on the draft Bacchi permit. All agreed to use it as a template for decisions going forward. Ms. Stiles will add its outline to the Rules of Procedure document as a recommended template for future decisions. Mr. Huncharek suggested as a resource The Essentials of Land Use and Planning by VLCT. He also suggested the Board might ask VT League of Cities and Towns for training assistance and urged board members to think about what issues might be covered by such trainings.

Mr. Huncharek said a citizen has submitted a letter of intent to join the DRB and will be interviewed at the September 21 Select Board meeting.

Mr. Huncharek moved to adjourn at 8:27 p.m. Mr. McClintock seconded. Upon roll vote the motion passed 3-0-0.

Notes by ZA Stiles.