

## Shaftsbury Development Review Board

October 21, 2020

### Call to order

The meeting came to order remotely at 6 p.m. via the GoToMeeting platform. Present were board members Tom Huncharek (chair), Tedd Habberfield, Mike Day, and Lon McClintock. Also present was zoning administrator Shelly Stiles.

### Conflict of interest

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

### Minutes, October 7

Mr. Huncharek moved to approve the October 7 meeting minutes. Mr. Habberfield seconded the motion. Mr. McClintock asked that, in future, headings or bold facing or other measures be used to **organize the content for greater reader ease**. He noted that he uses word search software that can scan several documents at once; key words inserted in the document could be useful. The motion passed by roll call vote 4-0-0.

### Preliminary plat approval, Bennington College Corp. subdivision, proposal #20-0069

Board members **relied and discussed questions** they had about the preliminary and final plat approval process until the bylaw became clear to all.

Mr. McClintock outlined the **kinds of review the DRB undertakes**. In one case, a use for an existing lot is proposed. The zoning bylaw governs such applications. In the second, a division of land is proposed. The subdivision regulations govern such matters, and proceed through sketch plan, preliminary plan, and final plan review steps.

It was suggested that a **template** be created by which the DRB could convey to the applicant its approval of and conditions for preliminary plats, with, perhaps, other information also of importance for the applicant. Mr. Day wondered if such a template could be included in the Rules and Procedures document. ZA Stiles will create such a template and share it with the DRB for comment.

Mr. Huncharek moved to enter private deliberative session on proposal 20-0069. Mr. McClintock seconded the motion, which by roll call vote passed 4-0-0.

Mr. Huncharek moved to leave private deliberative session. Mr. Day seconded the motion, which upon roll call vote passed 4-0-0.

Mr. Huncharek moved to **approve the Bennington College Corp. preliminary plat with the following conditions:**

1. The name and address of owner is to be added to property owner block, and the preparer's name and professional stamp shall be added.
2. The easements described in "Survey Notes" will be depicted on the plat.
3. The approximate location of the proposed residence will be illustrated on the plat.
4. The isolation zone for the proposed well will be depicted on the plat.
5. The plat shall contain the following statement: "The subdivision regulations of the Town of Shaftsbury are a part of this plat, and approval of this plat is contingent upon completion of all the requirements of said regulations, excepting only any variances or modifications made in writing by the DRB, and attached hereto."
6. The identifying number and date of approval of all applicable state and local permits, including the town subdivision permit number, shall be recorded on the plat.

Mr. Day seconded the motion, which upon roll call vote passed 4-0-0.

### **Act 179 and its relationship to the town's short term rental provisions**

After discussion it began to appear that the town bylaws' short term rental provisions may need revisiting. The board wondered about requiring proof of sufficient wastewater capacity for short term rental situations. Whether the Act was a permissive or a mandatory one was discussed. The discussion was tabled until the next meeting. Meanwhile, Mr. McClintock will secure and distribute a copy of the Act.

### **Burke/Cross subdivision denial -- appeal to the Environmental Court, request to reconsider to DRB**

Mr. Burke recently filed an appeal of the denial of the Cross subdivision application 20-0001 to the Environmental Court, and also submitted a request to the DRB to reconsider its denial. Mr. McClintock made clear that, as to the E Court appeal, no further action is needed on the DRB's part. He also suggested that the DRB could not revisit the denial even if it wished because the matter is now entirely in the E Court's court. (The Select Board, however, could participate in the appeal if it wished.)

Mr. McClintock **moved that the DRB decline to reconsider the denial** on the basis that the matter is now pending in the Environmental Court, and that the Select Board speaks for all matters before the Environmental Court. Mr. Huncharek seconded the motion, which by roll call vote passed 4-0-0.

Mr. Huncharek moved to **adjourn** at 7:44 p.m. Many members seconded the motion.

Notes by ZA Stiles