

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  
August 2, 2023**

**MEMBERS PRESENT:** Mark Sammut (Chair); David Hillman, Mike Major, Steve Kredell, Anne Bentley, Bob Glover. (Allyson Myers was absent.)  
**STAFF PRESENT:** Kit Luster, DRB Coordinator.  
**OTHERS PRESENT:** Bryan Currier, Joyce George, Lowell Bailey, Jim Westphalen, Media Factory.

**AGENDA:**

1. Call to Order and Agenda
2. Public Comment
3. Minutes (7/19/23)
4. Disclosure of Conflicts of Interest
5. Applications:
  - Remove Condition of Approval, Dissolve Agricultural Easement, Lot 3, 568 Governor's Lane/4947 Spear Street, Adam Hergenrother/Robert Clark (SUB00-07R1)
  - Final Plan, Subdivision, Three Lots, 395 Bostwick Road, Lowell and Erika Bailey (SUB22-03R1)
6. Other Business
7. Adjournment

**1. CALL TO ORDER and AGENDA**

Chair, Mark Sammut, called the meeting to order at 7 PM.

**2. PUBLIC COMMENTS**

None.

**3. MINUTES**

*July 19, 2023*

**MOTION by Mike Major, SECOND by Steve Kredell, to approve the minutes of 7/19/23 as presented. VOTING: 4 ayes, 2 abstentions (Anne Bentley, Robert Glover); motion carried.**

**4. DISCLOSURE OF CONFLICTS OF INTEREST**

None.

**5. APPLICATIONS**

**SUB00-07R1: Remove previous condition of approval for an agricultural easement across Lot 3 at 568 Governor's Lane/4947 Spear Street in the Rural District and Stormwater Overlay District by Adam Hergenrother/Robert Clark**

Bryan Currier with O’Leary Burke Civil Engineering appeared on behalf of the application.

#### STAFF REPORT

The DRB received a written staff report on the application, dated 8/2/23. Staff explained the proposal to remove a condition of approval that established an agricultural easement across Lot 3 of a three-lot subdivision at 568 Governor’s Lane/4947 Spear Street.

#### APPLICANT COMMENTS

Bryan Currier explained the agricultural easement was a condition of approval on a three-lot subdivision 30 years ago, but the easement has not been used and is not needed. The lot owners do not want to have the parcels encumbered and would like the easement dissolved. The applicant also requests that the legal documents drafted by the attorneys related to dissolving the easement suffice rather than requiring a new mylar.

There was discussion of the intent of the easement when it was established 30 years ago, where the easement goes, why the current application is before the DRB, and why the easement was a condition of approval. The DRB wanted more information and spoke in support of having a new mylar so the land records are current. It was confirmed that the abutting property owners were contacted about the application and agreed with removing the easement. The Town Attorney will be reviewing the documents dissolving the easement.

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Remove Condition of Approval for Agricultural Easement, Lot 3, 568 Governor’s Lane/4947 Spear Street, Hergenrother/Clark (SUB00-07R1)

**MOTION by Robert Glover, SECOND by Mike Major, to continue the hearing to the September 6, 2023 DRB meeting pending further information on a title search and review by the Town Attorney. VOTING: 5 ayes, one nay (David Hillman); motion carried.**

**SUB22-03R1: Final Plan for a three-lot subdivision at 395 Bostwick Road in the Residential District and Stormwater Overlay District by Lowell and Erika Bailey**

Lowell Bailey and Jim Westphalen appeared on behalf of the application.

#### STAFF REPORT

The DRB received a written staff report on the application, dated 8/2/23. Staff stated the proposal is to create a three-lot subdivision with re-subdivision of Lot 2 at 395 Bostwick Road. Stormwater comments were just received by the town and forwarded to the applicant who has not had opportunity to respond.

#### APPLICANT COMMENTS

Lowell Bailey said the final plan has been submitted for the three parcels, one with the existing house and two buildable lots. The existing driveway will be extended. The utilities will serve all three lots. All zoning regulations and setbacks are met. The existing drainage easement will be maintained and necessary drainage will be installed at the time of construction. An agreement has been secured with the abutting property owner to divert stormwater runoff across his property and into the brook.

There was further discussion of the plans to handle runoff (grading, swales, culverts by both the property owners and the town).

#### PUBLIC COMMENT

None.

#### DELIBERATION/DECISION

Final Plan, Subdivision, Three Lots, 395 Bostwick Road, Bailey (SUB22-03R1)

**MOTION by Mark Sammut, SECOND by Mike Major, to finalize the record, close the hearing, and direct staff to prepare a decision for SUB22-03R1 for a three-lot subdivision at 395 Bostwick Road by Lowell and Erika Bailey with the following conditions:**

- 1. A mylar of the Final Plat that meets the requirements of Section 620 of the Shelburne Subdivision Regulations and applicable state statutes shall be recorded in the Shelburne Land Records within 180 days of the signed approval by the DRB Chair.**
- 2. Prior to any sitework or construction a zoning permit for the work must be obtained from the Planning & Zoning Office.**
- 3. All documents pertaining to deeds, covenants, restrictions, and easements for the open space lot and shared driveway shall be recorded in the Shelburne Land Records prior to obtaining any permits for development of the subject property.**
- 4. The applicant must obtain approval of a new private road name from the Shelburne Selectboard before applying for a zoning permit.**
- 5. Prior to any sitework or construction all final details for water supply, wastewater disposal, and stormwater treatment shall be reviewed and**

approved by the relevant department heads to ensure these are designed to required specifications.

6. The applicant shall provide a letter from the abutting property owner, Thomas Little, indicating agreement to allow the diversion of some surface water onto the Little property.

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

## 6. OTHER BUSINESS

*DRB Meeting Schedule*

August 16, 2023 – No Meeting

September 6, 2023 – application(s)

## 7. ADJOURNMENT

**MOTION by Mark Sammut, SECOND by Anne Bentley, to adjourn the meeting.**

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

The meeting was adjourned at 8 PM.

*RScty by tape: MERiordan*