

**TOWN OF SOUTH HERO, VERMONT  
DEVELOPMENT REVIEW BOARD  
DECISION DATED July 12, 2023**

**APPLICANT**

**Name:** Keeler Bay Associates, LLC  
**Address:** PO Box 95, South Hero, VT 05486

**LANDOWNER**

**Name:** Keeler Bay Associates, LLC

**APPLICATION**

**Type:** 3-lot Major Subdivision

**Number:** 23-42-RT466

**PROPERTY**

**Location:** 464 and 466 US RT 2

**Hearing Dates:** March 22, 2023 and June 28, 2023.

Michael Gammal, representing Keeler Bay Associates, LLC, submitted an application on February 2, 2023, requesting a 3-lot Subdivision review to create a new lot from portions of existing Lots 2 and 3 at 464 and 466 RT2. Because a previous subdivision in 2021 created 3 lots from a 9-acre parcel at this location, creating additional lots within 10 years of the original subdivision resulted in this being classified a major subdivision, requiring sketch plan review (held March 22, 2023) and combined Preliminary and Final Plat review on June 28, 2023. Per Section 805 of the South Hero Development Regulations, warnings for the public hearings appeared in the February 15, 2023 and June 7, 2023 issues of the Islander and was posted in the Town Office, the Post Office, and the Town Library, and abutters to the property were notified. A list of those present and participating in the hearings is included in the minutes.

**During the course of the hearing, the following exhibits were submitted:**

- Town of South Hero Development Regulations, effective March 3, 2021

- Application for Subdivision Sketch Plan review, dated February 1, 2023; rec'd February 2, 2023.
- "Keeler Bay Associates, LLC Site Plan" by Buermann Engineering, project #577; dated February 20, 2023, revision date February 24, 2023; rec'd February 27, 2023.
- "Keeler Bay Associates, LLC Subdivision Plan" (shown over aerial photo of location), by Buermann Engineering, project #577.3; dated February 20, 2023, revision dated February 24, 2024; rec'd February 27, 2023.
- "Keeler Bay Associates, LLC Subdivision Plan", by Buermann Engineering, project #577.3; dated February 20, 2023, revision dated February 24, 2024; rec'd February 27, 2023.
- Table 4.1 – Subdivision Application Requirements – Major Subdivision Sketch Plan Review
- Warning Ad, Abutters Notice, and Hearing Letter for March 22, 2023 DRB Sketch Plan hearing.
- Search page from DEC Permit Search showing status of application to amend State permit #WW-6-515-7.
- Minutes from DRB Sketch Plan Review, dated March 22, 2023.
- Survey by Button Professional Land Surveyors, "3-Lot Subdivision Plat – Lands of Keeler Bay Associates, LLC", date May 2, 2023.
- Draft Minutes from the June 23, 2021 DRB meeting.
- Staff report for June 28, 2023 DRB hearing.

Based on the applications, supporting documents, and testimony of Michael and Michele Gammal, **the Development Review Board makes the following Findings and enters the following decision:**

**Findings:**

1. Due to a 2021 3-lot subdivision of the original 9-acre Keeler Bay Campground and Marina parcel, this application for a 4<sup>th</sup> lot will be reviewed as a Major Subdivision.
2. The Applicants propose to create a 4<sup>th</sup> lot from portions of Lots 3 (RT464 – Food Truck lot) and Lot 2 (RT466 – Keeler Bay Marina).
3. Proposed Lot 4 will be .55 acre. Lot 3 will be reduced from 1.08 acres to 1 acre. Lot 2 will be reduced from 3.83 acres to 3.41 acres.
4. Lot 4 will include an existing 52-seat event deck that was previously part of Lot 2. The east boundary of Lot 4 maintains a 10-ft. setback from the edge of the deck.
5. A future personal-use garage on Lot 4 is shown on the final plan.
6. The State wastewater permit (WW-6-2515-7) has been amended to allow a composting toilet on Lot 4 with non-potable water available. The permit also reallocates septic from 3 homes proposed on Lot 1 (previously approved PUD) to the event deck seating on proposed Lot 4 and an increase in boat slips on Lot 2.



7. Lot 4 will be accessed from an existing right-of-way serving lots 2 and 3. The exact location of the access has not been determined yet. There will be no public vehicle access to the event deck.
8. The Applicant was granted a waiver from the requirement to provide a traffic generation study, a traffic impact analysis, a grading plan, and an erosion control plan.

T. Maxham closed the hearing on June 28, 2023.

### **Conclusions of Law**

- A. The subdivision meets the requirements of Section 404.B (Major Subdivision).
- B. The subdivision meets the standards of Sec. 408.B, as defined in Sec. 203 (Zoning District Purposes) and Table 2.3 (Dimensional Standards for Village Districts).
- C. Per Table 2.3 (Dimensional Standards for Village Districts), there are no minimum lot sizes in the Keeler Bay Village Zoning District.
- D. The application meets the requirements of Table 4.1 (Subdivision and Application Requirements – Major Subdivision) except for those allowed by Sec. 402.B (Request for Waivers).

**On July 12, 2023, L. Kilcoyne moved to approve the 3-Lot Major Subdivision application, with the findings of fact listed and with the following Conditions; M. Welch second. Whereas Final Approval was granted to the application with Conditions, with the following people voting in the affirmative: T. Maxham, D. Patterson, L. Kilcoyne, M. Welch, J. Brightwell, and E. Reid.**

### **Conditions of Approval**

1. Applicant shall comply with all evidence and testimony as presented at the hearing or as amended by this decision.
2. Applicant shall meet requirements of Stormwater Management and Erosion Control as referenced in Section 606.A.2 of the South Hero Development Regulations.
3. The Final Plat Mylar must be presented to the DRB for approval and signature, and recorded in the Town Land Records, within 180 days of the date of the Board's approval of the Final Plat.
4. The Town of South Hero's responsibilities are limited to ensuring compliance with the approvals and permits issued by the Town of South Hero. The Town accepts no responsibility for compliance with the conditions of any permits or approvals issued by any other entity. The Town of South Hero will not be liable for the failure of the applicants to carry out their duties and responsibilities.

**Dated: July 28, 2021**

  
For the Development Review Board

**APPEAL RIGHTS**

Any appeal of this decision must be filed with the Superior Court, Environmental Division (located at 2418 Airport Road, Suite 1, Barre, VT 05641-8701) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. §1431 and the 5% surcharge required by 32 V.S.A. §1434a(a), which is \$262.50 as of January 2011. A copy of this appeal must be filed with the Zoning Administrator or the Town Clerk within thirty (30) days from the date of issuance.