

Shaftsbury Development Review Board

Wednesday, August 17, 2022

Call to order

The meeting came to order in person at Cole Hall and remotely via the platform Zoom at 6:02 p.m. Present were Board members Mike Day (chair), Lon McClintock, and Tedd Habberfield. Also present was zoning administrator Shelly Stiles. Abutters Walter and Patricia Tarr participated via Zoom. Abutters Kim and Daniel Fodor participated in person. PE Chris Ponessi, representing applicants Hein/Walker, was also present in person.

Conflict of interest

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

Sign in sheets

Those participating in the hearing and present signed the Interested Persons Oral Testimony Oath. Mr. Day administered the oath remotely to Walter and Patricia Tarr.

Minutes

Mr. McClintock moved to approve the July 6 2022 minutes. Mr. Habberfield seconded the motion, which passed 3-0-0.

Application #22-0065, 1524 Myers Road, parcel # 14 20 76, owners Richard Hein and Julia Walker: subdivision of existing 23.64 acre parcel into two lots, lot #1, 19.58 acres and lot #2, 4.06 acres.

Mr. Ponessi presented the application. He said the owners hope that funds can be secured to maintain the structures on lot 1 by selling proposed lot 2. He said the curb cut application had been approved. The Waste Water Treatment (WWT) permit has been received. All facilities are located outside pond and wetland buffer zones and preserve WWT shield zones. The existing farmhouse is exempt from WWT permitting. The proposed mound system does not require a replacement system. The Fodors asked about proposed lot 2 sharing the Fodor's driveway. Mr. Ponessi described the need for an easement.

Mr. McClintock asked that the septic and well protection zones be shown on the plat.

The Board went point by point through subdivision regulation section 6.4, items 1-17. All items were complied with.

Re #13, Mr. Ponessi said a second culvert could be installed if needed. He said a ditch would be cut on the east side of the driveway to carry runoff from the applicant's and abutting neighbor's property to the road or the pond. A discussion was held regarding the possible merits of a shared driveway for the Fodors and proposed lot 2. Mr. Ponessi recalled an email from Mr. Hein in which he said he was not interested in that option. Mr. McClintock noted that if that situation should change, an amended permit would be required.

Mr. Ponessi will make the following changes to the plat:

- add the driveway culvert;
- change the date of the adoption of the revised bylaw
- show grading at the mound system
- show the ditch line on the east side of the driveway

Ms. Stiles reiterated the changed to the plat requested by the Board during discussion.

Mr. Day moved to close the hearing. Mr. McClintock seconded the motion, which passed 3-0-0.

Other business

The board discussed what all agreed would be a *requirement in the future* that sketch plans be announced in each meeting's agenda, in an effort to better ensure transparency.

Mr. Ponessi presented a *sketch plan* for a boundary line adjustment and two lot subdivision of parcel 05 01 39 at 1930 Murphy Hill Road. It was never subdivided under zoning regulations. Mr. Habberfield moved to consider the application a minor subdivision. Mr. McClintock seconded with a friendly amendment "absent further information." The motion passed 3-0-0.

The board discussed *changes to bylaw 3.3.2*. Mr. McClintock suggested language (later emailed to all) as follows:

3.3.2 Except as provided below, no building, structure, or portion thereof, or sign shall be erected, altered, or moved, and no land or buildings, or part thereof, shall be used for any use other than one listed as a permitted or conditionally permitted use in the district in which it is located.

If an application is submitted for a proposed use not that is not identified in these Bylaws as a permitted or conditionally permitted use for the subject district, the Development Review Board shall review and evaluate the proposed use as a conditional use, pursuant to Zoning Bylaw §3.4. The Development Review Board shall not grant a permit for the unlisted use if any individual impact, as listed in Zoning Bylaw §3.4, is greater than the impact reasonably expected for a permitted use in the subject district. For example, if an application proposes a use for an RR 80 District, the Development Review Board shall determine whether any one impact of the proposed use is greater than the same impact reasonably expected of the permitted uses in the RR 80 District. If any one impact of the proposed use is greater than what is reasonably expected of the uses permitted in the RR 80 District, the Development Review Board must deny the permit. If, however, each impact of the proposed use is no greater than the same impacts reasonably expected of a use permitted in the RR 80 District, the Board shall evaluate the proposed use as a conditional use under §3.4. The Development Review Board shall may grant a permit, impose conditions on the permit or deny the application consistent with the provisions of Zoning By law §3.4.

Ms. Stiles shared a list of *potential DRB members* developed by the Town and Assistant Town Clerks. Board members split up the list, agreeing to contact all.

Mr. Day moved to *approve application #22-0065*, with conditions as captured in the minutes as well as that the driveway be installed as depicted on the proposed plat. Mr. McClintock seconded the motion, which passed 3-0-0.

Mr. Habberfield moved to adjourn at 8 p.m. The motion passed by acclamation.

Notes by ZA Stiles