

Town of Shaftsbury Development Review Board
Regular meeting **in person** and **remotely via Zoom**
Wednesday December 21, 2022
Cole Hall, 6 p.m. 61 Buck Hill Road, Shaftsbury

1. Call to Order – Recognition of Quorum

The meeting came to order at 6 p.m. Present were board members Mike Day (chair), Sarah Costin, Tedd Habberfield, and Denny Browe. Also present was zoning administrator Shelly Stiles. Board member Zoe Contros Kearl arrived after the approval of the minutes.

2. Conflict of Interest

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

3. Sign in sheets

Sign in sheets were passed around to citizens attending the meeting.

4. Approval of Minutes – November 16, 2022

Mr. Habberfield moved to approve the November 16 minutes. Ms. Costin seconded the motion, which passed 4-0-0.

5. Application #22-0099, parcel 12 01 04.3, 755 Cross Hill Road, owners Michaela Schneiderbauer and Ivette Guttman, application for a single family residence within a revised building envelope created by permit 97-196S for Carol Blomquist, December 4, 1997 and amended with this application.

Consulting engineer Chris Ponessi presented for the applicants.

They propose shifting a building envelope imposed on the property in the subdivision permit issued in 1997 about 100 feet eastward. It would make it possible to site the house on the highest point of the property, and give the owners views of the entire parcel, which slopes eastward, as well as better views down the valley to the Bennington Monument and surrounds. The house itself would be shifted about 50 feet east of the location suggested in the original subdivision permit.

The parcel is 34.17 acres in size. The building envelope would shrink from about 3.2 acres to about 2.7 acres, thereby protecting more agricultural land (one of the goals of the original permit). The parcel is hayed by a neighboring farmer at present. Mr. Browe asked whether drain tiles would be repaired if broken during construction. Mr. Ponessi said he imagined so.

The house would be single story. The original wastewater and potable water permit was amended and updated to a gravity mound system in 2021.

On Zoom, neighbor Linda Bernard orally took the testimony oath. She said she remembers 1997 and Ms. Blomquist, and that her intentions were to protect agricultural lands and the rights of purchasers of her former property.

On Zoom, neighbor Scott Bernard orally took the testimony oath, and said all owners of the former farm purchased their properties with the understanding that the building envelopes would be protected.

Abutter Derek Carbin said the applicants' new house in the new location would block the views from his property. Mr. Ponessi shared a few copies of site plan overlain on an aerial photo showing the location of the Carbin home vis a vis the proposed applicants' home. The new home would sit about 30-40 feet in elevation below the Carbin house. He said the total

height of the residence would be about 18 feet to the peak. To allay worries about future development, he said the applicants would accept a condition that the residence is to be constructed as shown on the site plan submitted with the application.

Mr. Carbin said they would have moved their house to the east if they'd know it were possible to move the building envelope.

Ms. Guttman said that just as the Carbins have enjoyed their view for twenty-one years, they would also like to enjoy the views of and from their property.

Mr. Ponessi suggested a site visit.

Abutter David Hetherington said he and his wife Diane are glad the applicants, who are physicians in town, wish to be their neighbors, in part because despite the requirements of the Carbins' deed he, Mr. Hetherington, has had to shoulder alone the care of the right of way serving the Blomquist subdivision parcels. He said the Carbins moved their building envelope.

Mr. Carbin said he'd received a legal opinion that because he doesn't use the right of way he has no responsibility for its care.

Mr. Day said the board is a quasi-judicial entity, whose job is to take testimony and get to the facts. Its decisions can be appealed to the Environmental Court. He suggested recessing to January 4 2023 and in the meantime to conduct a site visit and review all the deeds associated with the original subdivision.

Mr. Habberfield moved to recess the hearing to January 4 2023. Mr. Browe seconded the motion, which passed 5-0-0.

Ms. Costin moved to conduct a site visit on January 2 2023 at 1 p.m. Ms. Contros Kearl seconded the motion, which passed 5-0-0.

6. Application #22-0100, parcel 11 02 50, 1856 and 1858 Trumbull Hill Road, owners Sarvis Family Trust, to subdivide an existing 41.86 acre parcel into lot 1, 39.21 acres, and lot 2, 2.65 acres. Preliminary and final plat review.

Surveyor Eamon Mulligan of MSK Engineering presented the proposed preliminary and final plat, which had been reviewed as a sketch plan at the November 16 meeting. The board agreed to reference the conditions imposed at that meeting and captured in the minutes of that meeting in its review of the plans at hand, and conducted a review.

Mr. Mulligan will add the standard zoning note and the permit number to the final plat.

Mr. Habberfield moved to approve the site plan conditional on the addition of those two items. Ms. Costin seconded the motion, which passed 5-0-0.

7. Other business

Bennett Taft described his intention to apply for a combined indoor/outdoor cannabis cultivation operation permit at the January 18 2023 meeting and briefly outlined for the board what he has in mind.

Mr. Day asked to put a review of the Rules of Procedure on an upcoming agenda.

Mr. Habberfield moved to adjourn at 7:23 p.m. Ms. Contros Kearl seconded the motion, which passed 5-0-0.

Notes by ZA Stiles