

## Shaftsbury Development Review Board (DRB)

June 21, 2023

In person at Cole Hall and remotely via Zoom

### 1) Call to order

The meeting came to order at 6:02 p.m. Present were DRB members Mike Day (chair), Zoe Contros Kearn, Sarah Costin, Tedd Habberfield, and Denny Browe. Applicants Tim Kirkpatrick and Katie Lynn Kirkpatrick, and adjoining landowner Angela Milligan participated via Zoom. Also present was zoning administrator Shelly Stiles.

### 2) Conflict of interest

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

### 3) Sign in sheets

Mr. Day asked the Kirkpatricks to take the oral oath of testimony. Both assented to the oath.

### 4) June 7 minutes

Ms. Contros Kearn moved to accept the June 7 minutes. Mr. Browe seconded the motion. On discussion it was noted "Tunic" was misspelled several times. With corrections, the minutes were approved 5-0-0.

5) Application # 23-0047, parcel 15 21 54, address 191 Grove Road, owners Timothy and Katie Kirkpatrick: application for a site plan review for a permit for a short term rental home occupation.

Mr. Day administered the oath of testimony to Ms. Mulligan.

Ms. Kirkpatrick said they own a house in Virginia and now one on Grove Road in Shaftsbury. They would like to be able to rent out their Shaftsbury home when they are not in state. It is a three-bedroom home. Six would be the likely maximum occupancy. There is parking for at least two-three vehicles, but more could be fit if necessary. However, it is "their home and we want to protect it."

The structure is surrounded on three sides by woods and on the other side by Ms. Mulligan's residence. It is about one acre in size.

Mr. Day said the short term rental as a home occupation provision was newly adopted by the Town's voters. It acknowledges that such activities will take place in town, but should be monitored.

Mr. Day asked about management of the property. Mr. Kirkpatrick said they have hired an on-call handyman. Ms. Kirkpatrick said they have two local emergency contacts. She said their family and friends will probably use the house mostly in the summer and fall. She doesn't know what the demand for short term rentals might be.

Ms. Milligan said she has a six-year old and a seven-year old who routinely play outside. She said she would be concerned about not knowing who is coming and going.

Ms. Kirkpatrick said they would use AirBNB to manage the rentals at least initially. Mr. Kirkpatrick said they will share the home generously with those they know and love but recognizes that the night's hearing is about the house's income-generating potential.

Mr. Day explained the remainder of the hearing and decision process; the board has 45 days to make a decision or approval is automatic. Any interested party may appeal the decision to the Vermont Environmental Court. Once the decision is rendered, a fifteen-day appeals period goes into effect during which no actions should be taken.

Mr. Kirkpatrick said that at this time, they are exploring their options. If the neighbors can't reach them, the neighbors should call the police. There are cameras on the outside of the building and noise alerts indoors. If any are disabled, the owners would be notified.

Mr. Habberfield moved to close the hearing. Mr. Browe seconded the motion, which passed 5-0-0.

6) Other business

Mr. Habberfield moved to enter deliberative session. Ms. Costin seconded the motion, which passed 5-0-0. Mr. Habberfield moved to leave deliberative session. Mr. Browe seconded the motion, which passed 5-0-0.

Mr. Habberfield moved to deny the application because it does not meet the requirements of Zoning Bylaw sections 4.2.2f and 4.2.2g, to wit: 4.2.2fii – the use is conducted by non-residents (not residents) of the subject lot: 4.4.2fiii – the space utilized for the home occupation in what would otherwise be the primary dwelling exceeds the 500 square feet maximum allowed; and that therefore, 4.4.2g – the short term rentals does not meet the provisions governing home occupations, as required. Ms. Costin seconded the motion, which passed 5-0-0.

The DRB reviewed, edited, and approved a final version of the Guertin variance request finding.

The DRB agreed to require as a condition of approval of the Landview Holdings application for a subdivision and variance that the northern property line of the subject parcel be located at the southern edge of the Tunic Road right of way.

A quorum is available for a scheduled July 5 hearing.

The meeting adjourned by acclamation at 7:20 p.m.