

## Shaftsbury Development Review Board

Shaftsbury Town Hall

61 Buck Hill Road

February 6, 2013 at 7:00pm

**Members present:** Megan Donckers (Chair), Tom Huncharek, David Mance, Chris Ponessi (Vice Chair) Mitchell Race, Jay Palmer (alternate)

**Members absent:** None

**Others present:** Tyler Yandow (Zoning Administrator), Sandra Mangsen (Recording Clerk), Katherine and Owen Beauchesne, Benjamin and Elain Hulett, Jake Cormier, Michael Foley, Dave Herzfeld, Lorraine Mattison, Jeri Schoof, Charles Stewart, John Tiffany, Chris Williams

### 1. Call to Order – Recognition of Quorum

Megan Donckers called the meeting to order at 7:02 p.m and established that a quorum was in place.

### 2. Conflict of interest.

Chris Ponessi declared a conflict of interest with item 7 on the Agenda (Hale Mountain rod & Gun Club).

Tom Huncharek, as a neighbor of the Hulett's, declared himself not to have a conflict of interest on the matter of Agenda item 6.

### 3. Approval of Minutes

**Motion. To approve the minutes of Jan 2, 2013, as corrected. Moved by Tom Huncharek; seconded by David Mance. Carries, 4-0-2 (Race and Palmer abstaining).**

**Motion. To approve the minutes of Jan. 16, 2013. Moved by David Mance; seconded by Tom Huncharek. Carried, 4-0-2 (Race and Palmer abstaining).**

### 4. PUBLIC HEARING: Appeal of Decision of Zoning Administrator, Notice of Zoning Violation, December 3, 2012, permit # 12-9301; Benjamin and Elaine Hulett, 4955 T Route 7A

**Motion. To open the PUBLIC HEARING. Moved by David Mance; seconded by Jay Palmer. Carried unanimously.**

Testimony was given by Jake Cormier, attorney for the Hulett's, and by Benjamin and Elaine Hulett. They are asking the Development Review Board to affirm that no permit should have been required for the fence they erected, and therefore that there has been no violation, given that the permit had been issued in error. Jake

Cormier reviewed the timeline from its beginning in August, 2012. Relevant correspondence was made available to the Board members.

Mr. Cormier asserted that the Hulett's had been instructed to make application for a permit by the former interim zoning administrator (William Jakubowski), and had done so. That permit was approved with conditions by the Development Review Board.

David Mance pointed out that the Board had been concerned with the possible use of machinery near the stream, which would require a permit. The Hulett's assert that no machinery was used, and that there was no excavation. Moreover, they assert that they were not informed on the permit of their right to appeal.

**Motion. To close the public hearing and take this matter into deliberative session for further discussion. Moved by David Mance; seconded by Tom Huncharek. Carried unanimously.**

**5. PUBLIC HEARING CONTINUED: Hale Mountain Rod & Gun Club Rod & Gun Club Road, Site Development Plan Review, permit #12-9334 (Old permits # 12-8922 through 12-8934).**

Chris Ponessi left the table.

Megan Donckers reviewed the requirements of the Court Order directing the Rod & Gun Club to seek a permit for pre-existing improvements to the club's site. She noted that several of the court's requirements have been met and are shown on the site plan, but that several remain to be added in order for the permit to be approved. These include the well, removal of the red pines on the property, construction of a berm, and addition of a culvert.

John Tiffany and Charles Stewart offered testimony, as did Owen and Kaherine Beauchesne (abutting neighbors).

Owen Beauchesne attempted to introduce copies of a VT Environmental Court Decision, but Megan Donckers and David Mance explained that the decision was not relevant to the current matter before the Board, which simply directs the Club to seek approval for its site plan.

The representatives of the Club were advised to submit an amended application, in conformity with the court order, whereupon the application will be considered further.

The Hearing is continued until the meeting of Feb. 20, 2013.

**5. Approval of rules and procedures.**

Chris Ponessi returned to the table.

Megan Donckers reviewed changes she has made to the draft policy since the last meeting.

**Motion. To approve the Development Review Board Rules and Proceures as amended at this meeting. Moved by Chris Ponessi; seconded by Tom Huncharek. Carried unanimously.**

## **6. Deliberative Session**

**Motion. To go into deliberative session at 8:40 p.m. to discuss the alleged zoning violation by the Hulet's. Moved by David Mance; seconded by Chris Ponessi. Carried unanimously.**

**Motion. To exit deliberative session at 9:20.**

**DRB upholds the violation notice without prejudice. The DRB directs the applicant to meet with ZA to determine whether a permit for the fence, as installed, is needed under Section 7.2 of Bylaws. If the ZA determines that a permit is not needed the DRB will take appropriate steps to rescind Permit #12-9301.**

**Moved by Dave Mance; seconded by Mitch Race. Carried unanimously.**

## **11. Other business**

**Motion To adjourn the meeting. Moved by Chris Ponessi, seconded by Dave Mance. Carried unanimously.**

The meeting was adjourned at 9:30 p.m.

Sandra Mangsen  
(Recording Clerk)