

Shaftsbury Development Review Board  
Shaftsbury Town Hall  
Buck Hill Rd at 7:00 PM  
Minutes of Regular Meeting  
10/3/2012

**Members present:** Gary Burgess (Chair), Tom Huncharek, David Mance, Chris Ponessi, Jennifer Viereck (alternate)

**Members absent:** Megan Donckers, Fritz Ludwig

**Others present:** Tyler Yandow (Zoning Administrator), Sandra Mangsen (Recording Clerk), Phillip Boness, Bill Davis, Robert Geneslaw, Kathy Geneslaw, Jay T. Palmer, Mitchell Race

**1. Call to Order**

Gary Burgess called the meeting to order at 7:09 pm

**2. Conflict of Interest Statement**

There were none.

**3. Continuation of Application # 12-9264 - Parcel ID # 15 20 26 and 15 20 27**

Pursuant to Sec 5.01 of Subdivision Regulations for a Lot Line Relocation at # 196 and #164 VT RTE 67E for R. and L. Lindsey and D. and M. Snide, in a VR and RR-40 Zone

Tyler Yandow reported that this application has been withdrawn.

**4. Deliberative Session for Determination - Application # 12-9301 – Parcel ID # 020143 –**

Pursuant to Bylaw Section 7.2 Resource Protection – requires Conditional Use approval for any ground disturbing activity within 50’ of a stream or drainage way. Property owned by Benjamin and Elaine Hulett at 4955 VT. RTE. 7A in a RR – 80 Zone District.

This item was deferred for discussion later in the meeting.

**5. Application # 12-9309 – Parcel ID # 03 02 21.1**

Pursuant to Subdivision Regulations – Section 5.0 - Applicant Regina Shaler request Preliminary Plat and Final Approval for a Hearing for a two (2) lot Major subdivision at property located at 236 Glastonbury Rd.in a RR-200 Zone District. Previously subdivided in 1990 by Hawks (two lot minor).

The Hearing will be postponed until the meeting of Nov 7 meeting, to allow time for notification of abutting neighbors.

**6. Application 12-9312 – Parcel ID # 11 02 26.1**

Pursuant to Bylaw Section 7.7.2 to 7.7.2.6 – A Hearing for DRB approval is required to build a Pond. Property owned by William H. Davis at the above parcel location near the end of Glastonbury Rd. in a Forest and Recreation Zone District.

William H. Davis spoke to the application. He said he had been informed verbally that no State Permits will be required; he awaits written confirmation.

Mr. Davis was advised to provide a detailed site plan showing location of pond, outhouse, camp, roads and property lines. He will consult with the ZA re production of the required site plan. Chris Ponessi advised him to consult with VT Rivers Management personnel in Rutland to be sure he has met the state requirements.

**Motion: To continue the discussion at the next regular meeting (10/17/12). Moved by Chris Ponessi; seconded by Tom Huncharek. Carried, 5-0-0.**

**7. Discussion of Rules and Procedures.**

The chairman asked if all members present had reviewed the new Rules and Procedures.

Jennifer Viereck raised questions with respect to procedures for recording meetings, and archiving those recordings.

David Mance will produce a copy reflecting the various changes discussed (mainly with respect to assignment of responsibility for recording and archiving).

**Motion: To accept the DRB Rules and Procedures as amended. Moved by Jennifer Viereck; seconded by Chris Ponessi. Carried, 5-0-0.**

**8. Approval of Minutes of July 18, August 1, August 15 and September 19, 2012.**

**Motion: To approve the minutes of 7/18/2012 as circulated. Moved by Jennifer Viereck; seconded by David Mance. Carried, 4-0-0 (Ponessi abstaining).**

**Motion: To approve the minutes of 8/1/12, as circulated. Moved by David Mance; seconded by Tom Huncharek. Carried, 3-0-0 (Burgess and Viereck abstaining).**

**Motion: To approve the minutes of 8/15/12, as circulated. Moved by David Mance; seconded by Jennifer Viereck. Carried, 4-0-1 (Ponessi abstaining).**

**Motion: To approve the minutes of 9/5/2012 as circulated. Moved by David Mance; seconded by Chris Ponessi. Carried, 4-0-1 (Viereck abstaining).**

## 9. Other Business.

a) Continuation of application # 12-9295. – Parcel ID # 15 20 38

A. –Pursuant to Bylaw Section 9.0 through 9.18 for replacement of a Telecommunications Tower structure at the State police barracks owned by Wm. H. Dailey Inc. at 96 Airport Rd., in a Commercial Industrial Zone.

The DRB was advised that the SB had approved (10/1/12) waiving the bond that would normally be required. Phillip Boness then reviewed the application for members who had not been in attendance at the previous meetings when it was presented.

**Motion: To approve the application to replace the telecommunications tower. Moved by Jennifer Viereck; seconded by Tom Huncharek. Carried, 5-0-0.**

Tom Huncharek will write the decision, including the condition that the existing tower be removed once the new one has been installed.

b) **Access Permit # 12-9320 – Parcel ID # 07 20 65 –**

Application for a residential driveway at 143 Cedar Circle by William Wensley.

The Report of Highway Foreman was circulated.

**Motion: To approve the application for a residential driveway. Moved by David Mance; seconded by Chris Ponessi. Carried, 5-0-0.**

c) Application # 12-9301 – Parcel ID # 020143 (see item 4 above).

**Motion: To begin the deliberative session (8:25 pm). Moved by Chris Ponessi; seconded by Tom Huncharek. Carried, 5-0-0**

**Motion: To end the deliberative session (9:02 pm). Moved by David Mance; seconded by Jennifer Viereck. Carried, 4-0-0.**

B. At the opening of the deliberative session, Tom Huncharek recused himself from consideration of Application 12-9301 and left the building to avoid the appearance of any bias, because he is an abutting neighbor to the applicant.

**Motion: To approve partial construction of the four-foot black chain link fence in Application 12-9301, with the conditions below. Moved by Chris Ponessi; seconded by David Mance. Carried, 4-0-0.**

1. The east end of the fence will be no closer than 33.5 from the center line of Vermont Route 7A;
2. The fence line shall continue over the maintained turf lawn area to the tree line, to a point that shall be measured and marked with a stake by the DRB;

3. The fence shall not continue through any wooded area, nor any closer to the natural streambed;
4. At no time shall the stream bed be disturbed in any way during the construction of the fence;
5. The property owner shall not trespass onto the abutting parcel during the construction of the fence;
6. The fence shall be sited in such a way that the property owner is able to perpetually maintain both sides of the fence.

## **10. Adjournment**

**Motion: To adjourn the meeting. Moved by David Mance; seconded by Chris Ponessi. Carried, 4-0-0.**

The meeting was adjourned at 9:05 pm.

Respectfully submitted

Sandra Mangsen  
(Recording Clerk)