

Shaftsbury Development Review Board

December 7, 2016

- 1) The meeting came to order at 7 pm. A quorum was present, with Chairman Tom Huncharek, board members Michael Day, Michael Bidy, Chris Ponessi, and alternate Jay Palmer present. Zoning administrator Shelly Stiles was also present.
- 2) Mr. Day reported he'd hired Mr. Carlucci, presenting for application # 16-9793, in the past. The board posed no objections, agreeing this did not constitute a conflict of interest.
- 3) Sign in sheets were passed around to members of the audience.
- 4) September 21, 2016 minutes; Mr. Day moved to approve; Mr. Ponessi seconded the motion, which passed 4-0-1, with Mr. Bidy abstaining.
- 5) 16-9793, James and Roberta Carroll, variance to front yard setback for parcel # 12 01 46. Ms. Carroll and Mr. Art Carlucci presented.
 - Ms. Carroll explained she wanted to place a carriage barn 32' from the center line of Cold Spring Road. The barn will face the existing driveway, will be painted barn red, will have electricity and a chemical toilet. (Mr. Ponessi offered that the applicant may wish to contact David Swift at DEC wastewater to discuss whether permits are needed.)
 - ZA Stiles submitted letters she'd received from adjoining Berg and Jackson, offering support for the proposed siting of the barn.
 - Ms. Carroll submitted a certificate of service, and reported that adjoiner Tyler Resch had called her to tell her he supports the proposed siting.
 - Ms. Carroll shared photos and handouts.
 - The board went through by law section 8.6 with the applicant.
 - i. 8.6.1: the applicant reported the long, narrow shape of the lot and the topography – it drops off toward the back beginning near the house – make it hard to site the barn elsewhere.
 - ii. 8.6.2.: applicant reported that this site is their second favorite, that they'd tried to buy an adjoining property on the west, that a large pin oak within the required setback zone will not be sacrificed and so requires that a variance be given.
 - iii. 8.6.3: applicant agreed that the property was a field when they purchased it many years ago, and the applicant erected a house and a shed and planted hedge rows, the pin oak, and an orchard that complicate, she said, the siting of the proposed barn according to the setback standard. Mr. Ponessi pointed out that the applicant therefore created the hardship. Ms. Carroll agreed, but said they'd done so 25-30 years ago.

- iv. 8.6.4: applicant reported that the proposed siting will copy that of many other buildings in the neighborhood which are near the road right of way.
 - v. 8.6.5: applicant reported that no noxious gases, odors, dust will be created. Uses for the barn will comprise a carpenter's shop, a place for boat storage, and a workout space.
 - vi. 8.6.6: applicant said they could possibly move the barn about 3' further south. Mr. Ponessi observed that according to the site plan, the barn could be situated outside the pin oak drip line. Ms. Carroll reported that in doing her early research, she was told by the ZA that the front yard setback requirement was from the center line of the road, although the ZA may deny that.
- Mr. Bidy moved to close the hearing. Mr. Ponessi seconded the motion, which passed 5-0. Mr. Huncharek explained the 45-day decision requirement and the 15 day appeal period, should the application be approved.
- 6) 16-9729, Vander Els subdivision final plat review. Mr. Eamon Mulligan presented. The group confirmed that additional elements requested earlier by the DRB had been added to the plat. Mr. Huncharek moved to close the hearing. Mr. Ponessi seconded the motion. Mr. Ponessi moved to approve the final plat. Mr. Ponessi seconded the motion, which passed 5-0. Mr. Huncharek signed the plat and the subdivision permit document.
- 7) 16-9795: boundary line adjustment, parcels 08 20 49 and 08 20 48. Mr. David Spurr presented the preliminary plat. Mr. Spurr shared a certificate of service. He explained that the replacement septic systems for the newly configured parcels are compliant.
- Mr. Spurr was asked to change the noted dimensions on the northern property line, to make clear the new dimensions (as they relate to bearings).
 - Mr. Spurr was asked to add deed references and the Town and WWT permit #s.
 - Mr. Spurr was asked to add Jerome to the list of abutters on the plan. That owner was warned.
 - Mr. Day moved to close the hearing. Mr. Ponessi pointed out that 16-9795 is dependent upon 16-9760, which has been approved by the DRB but which hasn't been filed as DEC hasn't issued a WWT permit #. ZA Stiles will call DEC to ask that those permits be expedited.
 - Mr. Huncharek moved to recess the hearing to 1/3/17. Mr. Palmer seconded the motion, which passed 5-0.
- 8) Parcel 16 23 35, sketch plan review. Jason Dolmetsch (MSK Engineering) and Stephanie Lane (Shires Housing) presenting.
- The presenters described a 22 unit, affordable housing development – with proximity to employers, well built, energy efficient - to be built for people making around \$13-\$18 hourly wages. A 4-bedroom apartment would rent for about \$900. Shires will provide the town with a copy of the Tenant Handbook.

- The development would probably make use of a water line dead-ending at McCarthy Acres. N. Bennington's water department has been contacted. Fire department has been contacted. Mr. Ponessi suggested a second access, and wondered if the circle road should be one way. (It is proposed to be 14' wide.) Mr. Dolmetsch said he imagined installing stormwater practices, if required, in the interior green space. Mr. Dolmetsch hopes to hook up to Bennington sewer at the Houghton St. sewer line.
- Mr. Ponessi suggested a snow storage area. Perhaps some buildings, far from the central trash and recycling area, could have their own garbage totes.
- Architect Jeff Goldstone, also present, said they were proposing one parking space per dwelling unit, but that space had been provided for overflow parking.
- Mr. Dolmetsch presented data on impact to schools.
- Mr. Ponessi moved to declare the project a major subdivision. Mr. Huncharek seconded the motion, which passed 5-0.

9) Other business

ZA Stiles reported there are no applications before the board for the scheduled 12/21 meeting. There was no other business.

Mr. Ponessi moved to enter private deliberative session on 16-9793. Mr. Huncharek seconded the motion.

Mr. Huncharek moved to leave deliberative session. Mr. Ponessi seconded the motion, which passed 5-0.

Mr. Ponessi moved to recess the deliberative session to January 3, 2017. Mr. Huncharek seconded the motion, which passed 5-0.

The meeting adjourned by acclamation at 9:45 p.m.

Notes by ZA Stiles.