

**Shaftsbury Development Review Board
Minutes of the Meeting Held July 15, 2015**

- 1) 7:00 p.m. The meeting was called to order by Mr. Huncharek. Also present were Mr. Mance, Ms. Donckers, Mr. Bidy, and alternates Mr. Day and Mr. Palmer. Mr. Ponessi was absent. ZA Stiles was also present.
- 2) Conflict of interest:

Mr. Mance noted that he owns land near applicants Stephen and Patti Edington. He asked if they'd prefer he not participate. They replied that they were comfortable with his participation.

Ms. Donckers and Mr. Mance recused themselves from agenda item 5, re-open recessed hearing on application #15-9569, boundary line adjustment for Resch and Whitman.

Mr. Day and Mr. Palmer joined the board at the table.
- 3) Sign in sheets were passed around.
- 4) Approval of July 1, 2015 minutes. Mr. Bidy moved to accept the minutes. Mr. Day seconded the motion, which passed 4-0-2, with Mr. Mance and Ms. Donckers abstaining. Mr. Huncharek signed the minutes.
- 5) Application 15-9569. Boundary line adjustment, applicants Tyler and Ann Resch and Art and Kathy Whitman, 12-01-21 and 12-0-19: review and approval of final plat to proceed with Boundary Line Adjustment in RR 40 zone.

The hearing recessed on July 1, 2015 was reconvened. The board reviewed changes and additions to the application requested at the July 1, 2015 meeting. A statement from adjoining landowner Dwyer was submitted in which they attested they had been notified of the hearing and waived their 15-day notice period.

It was noted the "Cold Springs Road" on the plan still needs to be corrected to "Cold Spring Road."

It was noted that the plan was now to scale.

Mr. Palmer moved to close the hearing. Mr. Day seconded the motion, which passed 4-0. Mr. Resch was told he would be notified in writing of the Board's decision.
- 6) Application 15-9572. Single Family Home and Accessory Structure, applicants Stephen and Patti Eddington, parcel # 16-22-35: variances to the side yard requirements in accordance with Bylaw sections 3.4.1.4 and 8.6 in an RR 40 zone.

Mr. Mance and Ms. Donckers returned to the board. Mr. Palmer left the board.

Mr. Eddington described the application. Their lot is to the best of his knowledge the last to be developed in this subdivision, which was approved prior to 1980. A variance to the side yard setbacks was requested because the lot can't be made conforming. The applicant was asked if the proposed home could be placed elsewhere on the lot. The applicant responded "no" – they'd already turned the building so that its long sides parallel the lot's long sides, the WWT-1683 specifies the location of the septic field and constrains the siting of the home, and the lot drops off abruptly to the east. Mr. Mance noted that common land, on which development is precluded, abuts the lot on the south.

Anastasia Gauthier, an adjoining landowner, asked which side yard was in question. Both, was the answer. Ms. Gauthier asked if a smaller setback could be placed on the south side, adjacent to the common land, and a wider, complying setback on the Gauthier's side. Mr. Eddington said they'd tried to

make the setbacks more or less equal, but agreed that the house and garage could be moved to the south.

Ms. Eddington shared their certification of notice to abutters.

Mr. Mance moved to close the hearing. Ms. Donckers seconded the motion, which passed 5-0-0.

7) Application # 15-9556. Raze old barn and erect new Accessory Structure, applicants William and Sandra Parks, parcel # 09-20-11: variance to rear yard requirements in accordance with Bylaw sections 6.2.2. and 8.6 in an RC zone.

Mr. Parks described the project. A barn and structure were on the site when he and his family moved in more than twenty years ago. He wishes to replace the existing structure, about 23' x 20' plus the horse stall section with a new, slightly larger structure. The existing structure is set back 10' from the northern property line. Mr. Park wishes to maintain this setback. The lot is in the RC zone yet lacks 200' frontage, and so is pre-existing, non-conforming. It was noted that the front yard is on the east, so a variance to the side yard setback requirements is needed.

Mr. Parks submitted a statement that he had notified the adjoining. The board reviewed and accepted his sketch.

Mr. Mance moved to close the hearing and enter public deliberative session. Ms. Donckers seconded the motion, which passed 5-0.

The board discussed the application. Mr. Mance noted that Paulin Road, which bisects Mr. Parks' property, limits the applicant's ability to move the barn and shed further south. He continued, referring to bylaw sections 8.6ff: it would be very difficult to develop in strict conformity with the bylaw; the applicant didn't create the hardship; the setback will remain the same; the use is not changing; and there will be no increase in the variance.

Mr. Day moved to approve a 10' side yard setback. Ms. Donckers seconded the motion, which was approved 5-0. Mr. Parks will be sent a formal notice of approval.

Mr. Mance moved to go into public deliberative session on application 15-9572, Single Family Home and Accessory Structure, applicants Stephen and Patti Eddington, parcel # 16-22-35. Mr. Bidy seconded the motion, which passed 5-0.

The compromise suggested by the adjoining landowner, a variance for a 10' setback on the southerly property line (while complying with the 25' setback on the north), was discussed. Mr. Huncharek moved to approve a 10' setback on the south. Ms. Donckers seconded. It was agreed that a revised sketch showing the approved setbacks must be submitted by the applicant. Mr. Huncharek moved to approve the setback with that condition. Mr. Day seconded the motion, which passed 5-0.

Mr. Huncharek moved to proceed out of deliberative session. Ms. Donckers seconded the motion, which passed 5-0. Mr. Mance volunteered to write the Findings of Fact for application 15-9572. Mr. Day volunteered to write the Findings of Fact for application 15-9556.

Mr. Mance and Ms. Donckers left the board, after confirming that the next meeting will be held August 5, 2015.

Mr. Palmer re-joined the board. Mr. Day moved to enter deliberative session on application 15-9569, a boundary line adjustment for landowners Resch and Whitman. Mr. Bidy seconded the motion, which passed 4-0. On discussion, it was noted that the plat must correctly refer to "Cold Spring Road." Mr. Huncharek moved to approve the boundary line adjustment with the above condition. Mr. Palmer seconded the motion, which passed 4-0. Mr. Huncharek moved to leave deliberative session. Mr. Bidy seconded the motion, which passed 4-0.

8) Other business

There was no other business. The meeting was adjourned by acclamation at 8:10 pm.

Minutes by ZA Shelly Stiles