

MINUTES OF THE TOWN OF SHAFTSBURY
DEVELOPMENT REVIEW BOARD
September 3, 2008
COLE HALL
SHAFTSBURY, VERMONT

Board Present: Phylis Porio (Chairperson), Gary Burgess (Vice Chairman), Fritz Ludwig, David Mance, Wynn Metcalfe

Board Absent: William "Jake" Jakubowski, Rick Mattison

Others Present: John Endres, Chris Heins, Tony Zazzaro (zoning administrator), Gary Peterson (recording secretary)

1. Call Meeting to Order:

Phylis Porio (Chairperson) called the meeting to order at 7:02 PM. Chairperson Porio noted that Rick Mattison notified her that he would not attend this evening.

2. Minutes:

August 20, 2008 Minutes

David Mance made motion to approve the August 20, 2008 minutes. Fritz Ludwig seconded. Motion to approve August 20, 2008 minutes carried 4-0-1 (Wynn Metcalfe had not been present).

3. Old Business

Mr. Mance recused himself, and left the table.

A. Permit # 08 85 03: Continuation of review and final approval for Robert Montgomery - Holliday Dr. two lot minor subdivision. Property ID 16 2121

Mr. Mance, representing Mr. Montgomery, reminded the board that this application first came before the board last spring (3/19/2008). Mr. Mance stated that lot 1 (approx. 2.8 acres) would be deferred and that lot 2 (just over .5 acres) has an existing residence and a circular driveway. Mr. Mance stated that application for a water/waste water permit for lot 2 has been submitted to the state.

Chairperson Porio reviewed 5.06 of the subdivision regulations.

Gary Burgess made motion to close the hearing. Mr. Ludwig seconded. Motion carried 4-0-0.

Mr. Burgess made motion to approve the application contingent on receipt of the state water permit. Mr. Ludwig seconded. Motion carried 4-0-0.

Chairperson Porio noted that there existed a curbcut application for the Montgomery property and that the road foreman did not see the need for a culvert, and sight distance was not an issue.

Mr. Metcalfe made motion to approve the curbcut for the Montgomery property. Mr. Burgess seconded. Motion carried 4-0-0.

B. Permit # 08 85 04: Continuation of review and final approval, for Ken Coonradt - Stevens Lane two lot minor subdivision plus lot line adjustment. Property ID 17 22 45-46

Mr. Mance noted changes to the original plan, and that a culvert has been installed as well as a swale to deal with runoff. Mr. Mance noted that the water/waste water permit has been modified, that lot 2 would be deferred, and lot 1 is now 1.7 acres. Mr. Mance added that after the lot line adjustment Mr. Coonradt's lot would be 1.54 acres.

Mr. Mance agreed that it was sensible to re-notify neighboring properties before a final hearing on September 17, and that he would provide a road maintenance agreement at that time. Mr. Burgess expressed particular interest in knowing that the neighbors are satisfied with the proposed development.

Mr. Burgess made motion to continue the hearing to the next meeting. Mr. Metcalfe seconded. Motion carried 4-0-0.

C. Permit # 08 85 06: 4.03 DEFERRAL OF WATER SUPPLY AND WASTEWATER DISPOSAL REQUIREMENTS. For Bert Richmond - Rt 67 and Upper Main St. lifting a deferral for a lot created in early 1990's. Property ID 13 21 57

Mr. Mance, representing Mr. Richmond, asked about the status of this application. Tony Zazzaro, the zoning administrator, stated that he had sent a letter to the Vermont Arts Exchange (VAE) which had an August 20 reply deadline. Mr. Zazzaro stated that he had not received a reply and that he would send the VAE a violation order.

D. Permit Number: 07 83 91S Richard and Patricia Dailey 5.06 FINAL PLAT SUBMISSION REQUIREMENTS for a 6 lot Subdivision. Property located on Twitchell Hill RD Parcel I.D. 16 20 56

The board noted the approval of three new curbcuts on Twitchell Hill Road for the Dailey development which was conditionally approved at the May 21, 2008 meeting. The board reminded Mr. Mance that the file for each lot needed to be completed.

4. New Business

Mr. Mance returned to the board table.

A. Permit # 08 86 20S: 5.02 Sketch Plan Submission for Ed Colvin of Shaftsbury. Two Lot Subdivision. Property ID 14 20 59-57. This is the combining of 3 existing lots and subdividing them into 2 lots. This property is located on Glastenview Drive.

Chris Heins presented the sketch plan and described the property. Mr. Heins stated that the party who wishes to buy the property, and who lives across the road from the property, desires no more than two residences on the property. Mr. Heins wondered if this project was really a boundary line adjustment rather than a subdivision. He stated that the neighbors had been notified and would be notified again for the final hearing on this proposal. Mr. Heins stated that the water/waste water permits have already been issued by the state.

David Mance asked that the final site plan show the driveways and that application for the curbcuts be submitted so that future development is not unnecessarily impeded. Board members agreed to waive any requirement of letters of support from the police, rescue squad, fire department and school district.

In considering whether it was a major or minor subdivision, Mr. Mance stated that the application did not involve a previously approved subdivision, was for lots with existing frontage, and the board was not reapproving something already approved.

Mr. Mance made motion to classify this application as a two lot minor subdivision. Mr. Metcalfe seconded. Motion carried 5-0-0.

Mr. Mance made motion to schedule this application for public hearing on October 1, 2008. Mr. Metcalfe seconded. Motion carried 5-0-0.

5. Curbcuts:

John Endres presented a letter dated September 1, 2008 from Thomas Outwater and a site plan for the Outwater/Tillerman property on East Road. Mr. Endres stated that there would be a house on the north part of the property which has received a building permit, and that the existing access to the south for the quonset hut would continue to exist. Mr. Endres added that the road foreman had reviewed the application, that no culvert was required for the new access to the property and sight distance was not an issue.

Board members noted that at an earlier hearing, Mr. Outwater agreed to return to the board for consideration of curbcuts after his plans had firmed up. The board indicated that the site plan presented by Mr. Endres clarified Mr. Outwater's plans.

Mr. Mance made motion to approve one new curbcut for Tillerman Inc. as shown on the August, 2008 plan. Mr. Metcalfe seconded.

Motion carried 5-0-0.

6. Other Business:

Chairperson Porio stated that two items (agenda development and process to assure consistent zoning bylaw interpretation) on the agenda of particular interest to Jake Jakubowski, who was absent, would be deferred to the next meeting.

Chairperson Porio read from the August 12, 2008 Planning Board minutes and noted the discussion about formulation of the DRB agenda. Mr. Zazzaro stated that he drafts an agenda to include applications which the DRB must review and Chairperson Porio makes any additions/changes that are pertinent. Mr. Zazzaro stated that DRB agenda creation process works fine, that the document sent to the Chairperson can easily be modified, and that any concerns on the part of the planning board are simply the result of misunderstandings.

Chairperson Porio asked who monitors Mr. Zazzaro's actions and how is he held accountable.

Mr. Metcalfe stated that he knows of two suspected zoning violations and doesn't know how to alert Mr. Zazzaro to them. Mr. Zazzaro suggested that Mr. Metcalfe call him or send a letter of complaint; then, if a violation is issued, Mr. Metcalfe would be obliged to recuse himself from any appeal of that violation.

Mr. Zazzaro stated that he can report on the status of applications which have been presented to the board, and agreed that deadlines for compliance in his letters of violation are a good idea.

Further discussion resulted in the following conclusions:

1. If the DRB issues a decision, the the board can direct the zoning administrator to investigate to determine if the conditions in the permit have been met, to enforce the conditions in the permit, and to report on the results of the enforcement action
2. If a party appears before the DRB, and the DRB requires more information related to the matter, the zoning administrator can be requested to follow-up and report to the board
3. If the zoning administrator, after investigating per the request of the DRB, does not find a violation, he can be requested to write a formal decision which can be appealed to the town selectboard.

Mr. Mance stated that if an issue involves a new application or a violation of something that the board has never addressed, then it cannot be brought to the attention of the zoning administrator without the party raising the matter being required to recuse him/herself from subsequent DRB decisions related to that matter.

Mr. Zazzaro indicated a preference for dealing with town citizens in an informal, non-confrontational manner.

The board noted that any dispute between Mr. Brownell and the town based on the stipulated agreement was not subject to DRB enforcement.

Mr. Mance made motion to adjourn. Mr. Ludwig seconded. Motion carried 5-0-0.

Meeting adjourned at 8:15 PM.

Respectfully Submitted,

Gary Peterson