

Shaftsbury Development Review Board
May 17, 2017

The meeting **came to order** at 7 p.m. Present were board members Tom Huncharek (chair), Michael Day, Michael Bidy, and Jay Palmer. Chris Ponessi was away. Also present was zoning administrator Shelly Stiles.

The board had no **conflicts of interest** to report. Michael Bidy mentioned that he is friends with members of the Sandquist family (application # 17-9817). The other members of the board reported no misgivings about his participating in that hearing.

May 3, 2017 minutes: Mr. Huncharek moved to approve them. Mr. Bidy seconded the motion, which passed 4-0-0.

Application # 17-9819, parcel 18 02 40: Stanley and Carol Williams request a variance to erect a deck and above ground pool in an FR zone.

Mr. Williams explained that they desire to provide their granddaughter with a pool as she loves water. They have owned their home and 4.5+ acre lot since the early 1980s. When they bought the land, it contained a developed camp with water, septic, and power. In the 2000s, the camp began to deteriorate. They were given two permits, one in about 2008, the second in about 2011, to build a replacement residence in stages.

The pool and deck would be located about 175-250 feet from the various property lines.

The zoning administrator reported that the FR zone in that area was adopted around 1980.

The board discussed bylaw 8.1 ff., Nonconformities, and agreed that the request by the Williams is a reasonable one. Mr. Day called the board's attention to bylaw 8.7 ff., which the board reviewed.

Mr. Williams said there were several pools, above and in-ground, in the neighborhood.

The board went through bylaw 9.8 ff., item by item. By consensus it agreed that the application met each of the requirements that were applicable.

Mr. Huncharek moved to close the hearing. Mr. Day seconded the motion, which passed 4-0-0.

Application 17-9817, appeal of denial by Zoning Administrator of application for curb cut at 73 Old Depot Rd., parcel # 03 01 17.

Mr. George Sandquist, acting on behalf of his son Eric Sandquist, explained that his son is building a house in Arlington but wishes to construct the driveway in Shaftsbury (where he owns a very small parcel). The existing access in Arlington crosses a shallowly buried sewer line.

At present, Shaftsbury town trucks use the Sandquist property as a turn around. Mr. Sandquist said the culvert would be located on his son's land, not in the Town right of way. It was noted that the grade for the proposed driveway is very steep. Mr. Bidy wondered if the Arlington Fire Department would approve such a grade.

In response to a question from Mr. Bidy, Mr. Sandquist said he didn't know if there were other possible access locations in Arlington.

The Arlington zoning administrator told Ms. Stiles that there was no driveway plan for the building permit application submitted by Mr. Sandquist, and that the zoning administrator assumed the family would use the existing access in Arlington. The board expressed concern that the Town of Arlington might have driveway regulations that the proposed drive won't comply with. Mr. Huncharek said it would be best if both highway foremen could confer on site. A suggestion was made to recess the hearing and secure more information: Does Arlington have driveway requirements and does the proposed drive meet them? Will the Fire Department allow the proposed drive? Can Mr. Kurtz (the driveway contractor) provide more detail on the way he will handle the extreme change in grade?

Mr. Biddy suggested an alternate route, coming in from Arlington from an elevation on Old Depot Rd. higher than the one proposed.

Mr. Huncharek moved to recess the hearing until June 7. Mr. Sandquist said his son hoped to begin work on the foundation in mid-June, but the contractor will lay a plate over the septic line. Mr. Day seconded the motion to recess, which passed 4-0-0. The zoning administrator will seek a copy of the Arlington permit, ask the Fire Department for their opinion on the drive (if they have authority to deny permission), and ask the Shaftsbury highway foreman to attend the June 7 meeting.

Other business: there was none.

Mr. Huncharek moved to enter private **deliberative session** on application # 17-9819. Mr. Palmer seconded the motion, which passed 4-0-0.

Mr. Huncharek moved to leave private deliberative session. Mr. Biddy seconded the motion, which passed 4-0-0.

Mr. Huncharek moved to approve permit # 17-9819. Mr. Palmer seconded the motion, which passed 4-0-0.

The board discussed bylaw section 6.2.2., which in the context of the home occupation rule requires contractors to screen their vehicles. The zoning administrator will pursue a screening condition set by the board for a permit issued in 2016.

The meeting was adjourned by acclamation at 8:55 p.m.

