

Shaftsbury Development Review Board

June 6, 2017

- 1) The meeting **came to order** at 7 p.m. Present were board members Tom Huncharek (chair), Michael Day, and Michael Bidy, and alternate Jay Palmer. Also present were highway foreman Steve Washburn and zoning administrator Shelly Stiles.
- 2) The board had no **conflicts of interest** to report.
- 3) **Sign in sheets** were passed around.
- 4) **May 17, 2017 minutes:** Mr. Huncharek moved to approve them. Mr. Bidy seconded the motion, which passed 4-0-0. Board member Chris Ponessi arrived.
- 5) **Application #17-9817:** Mr. Washburn reported that the applicant, Eric Sandquist, had withdrawn the application according to his representative George Sandquist.
- 6) **Application #17-9834:** Owners Steve and Lixia Ellis, applicant Fred X Brownstein, parcel # 10 20 36, 48 Clement Greene Road. Request for a variance to attach an addition to an existing non-conforming structure, and approval of an application for a home occupation sculpting marble.

Mr. Brownstein reported that the existing non-conforming barn isn't adaptable, according to architects who have visited it. He needs a space in which he can erect his gantry crane to move marble from storage in the existing barn to the work space in a proposed new 30' x 30' structure.

He said the proposed building's northern corner would sit about 10'-11' from the putative property line, which for the purposes of the application he located on the inside of an 8'-wide stone wall. He explained that he can't site the proposed new structure on the east side, because on existing propane tank, electrical lines, and possibly the septic leach field are located there. On the south side, there is a light pole and buried electric and phone lines. He shared an enlarged site plan and several photographs showing obstacles he described.

Mrs. Brownstein said she'd spoken with three abutters and they expressed support, including Mrs. Hoyt, who, according to ZA Stiles, had called her to inquire about noise. Mr. Bidy noted that one of the parcels to which notice was sent has changed hands. Ms. Stiles explained that the information given the Brownsteins by the Town is the best available at present. The Listers have had issues with keeping the mapping up to date.

Mrs. Brownstein reported that the house is under contract to them.

Mr. Bidy said the biggest problem with changing the location of the proposed new structure might be the buried lines, and asked if they could be moved. Mrs. Brownstein said that would be very expensive. Mr. Brownstein said he'd been told by an employee of the utility that the trench in which the lines are buried belongs to the utility and changing their location would be very time-consuming. Mr. Brownstein said he considered that option a hardship and asked the Board to also consider it a hardship for the applicants.

Mr. Ponessi asked about moving the new structure to the south side of the barn and re-orienting it. Mr. Brownstein said that would threaten the electric lines and create a problematic roof cross-section.

Mr. Huncharek noted that the two buildings together totaled more than the 1500 s.f. permitted for home occupations in bylaw 4.2.2ff. Mr. Brownstein said he'd use for storage in the existing building only the square footage allowed by law, which Mr. Day computed as about 21' x 28'. Mrs. Brownstein said that would work.

The Board went through bylaw 9.8ff item by item. It found that there are unique physical circumstances, that physically there is no possibility to put the new structure elsewhere, that the hardship was not created by the applicant, that it would not alter the neighborhood, and that the minimum variance possible had been requested.

Mr. Huncharek moved to close the hearing. Mr. Palmer seconded the motion, which passed 5-0-0. Mr. Huncharek described the next steps to the applicants.

7) Other business

There was none.

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

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

Mr. Bidy moved to approve the application. Mr. Ponessi seconded the motion. A tally was taken. Mr. Palmer voted no; Mr. Bidy yes; Mr. Huncharek yes; Mr. Day yes; Mr. Ponessi no. The motion passed 3-0-0.

Ms. Stiles noted that there are no items on the agenda for the June 21 regularly scheduled meeting. The next meeting will be July 5.

The meeting was adjourned by acclamation at 8:50 p.m.

Notes by ZA Stiles.