

Shaftsbury Development Review Board
September 4, 2019

- 1) The meeting came to order at 6 p.m. Present were board members Tom Huncharek (chair), Chris Ponessi, Mike Day, and Lon McClintock. Zoning administrator Shelly Stiles was also present.
- 2) Sign in sheets were passed around.
- 3) No one reported a conflict of interest.
- 4) Mr. Huncharek moved to approve the August 7 minutes. Mr. McClintock seconded the motion, which passed 4-0-0.
- 5) Application #19-10110, Variance Request, addition to existing home at 1376 Shaftsbury Hollow Road, parcel #01 01 42, owners Joseph Costa and David Hart.

Mr. Costa and Mr. Hart explained their proposal. They wish to construct an addition on an 1812 farmhouse situated fewer than the required 30' from the front property line. (The nearest house wall is about 18' from the gravel edge of Shaftsbury Hollow Road. Mr. Ponessi pointed out that since the edge of the ROW is 25' from the center line of the road, the setback is even smaller than it might seem.)

The applicants shared architectural drawings prepared by Mike Baker. They indicate the wall of the addition closest to the road is set back along the house wall by about 2' (that is, it is further from the road than the house is). It appeared that this location was chosen to maintain the roof line and preserve one window. The applicants said the addition would have a crawl space on a pad beneath it, but would not be heated. Mr. Ponessi said such structures are known as frost walls.

Mr. Hart prepared and signed a statement that he had notified the abutters of the hearing on August 7.

The applicants said they understood that the Town would be held harmless for any damage caused by snowplows or other road maintenance equipment.

The board went through the items listed in bylaw section 9.8.

- i. Unique physical circumstances or conditions exist. The grade of the parcel drops down steeply away from the farmhouse, which is perched as though on a postage stamp on the parcel. (The outside door to the basement is at grade.)
- ii. Such conditions mean there is no possibility that the property can be built in conformance. Any conforming structure would have to be a stand-alone accessory structure rather than an addition.
- iii. The hardship is a consequence of the topography of the parcel, not of any action taken by the applicants.
- iv. The addition will not alter the character of the neighborhood, which is rural and deeply wooded. The nearest neighbors on the same side of the road are about one-half mile

away. On the other side, the nearest houses are a home in the woods about 800' feet away, and a three-season cabin sits hidden at the end of a long driveway.

- v. The variance represents the minimum that will afford relief; the proposed addition could go nowhere else, and is further from the road than the house to which it will be attached.

The applicants said the septic and well are located safely distant from the new addition.

Mr. Huncharek moved to close the hearing. Mr. Day seconded the motion, which passed 4-0-0. Mr. Huncharek explained that no more evidence could be taken; that the board has 45 days in which to make a decision or an approval become automatic; that a fifteen-day appeal period will apply to any approval; that the next step is a deliberative session; and that the applicants will be notified in writing. Board members expressed a readiness to make an affirmative decision that evening.

Mr. Huncharek moved to enter open deliberative session. Mr. Ponessi seconded the motion. In discussion, the board found it was unanimously comfortable with approving the application, with the condition that the applicants hold harmless the Town of Shaftsbury from damage to the house or addition resulting from snow removal or other road activities on Shaftsbury Hollow Road. The motion passed 4-0-0.

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

- 6) Ms. Stiles reported that there are no applications requiring review at the regularly scheduled September 18 meeting at present. Someone could still seek to present a sketch plan. She will let the board know if a meeting is necessary as the date approaches. There was no other additional business.

The meeting adjourned by acclamation at 6:35 pm.

Notes by ZA Stiles.