

Shaftsbury Development Review Board  
August 19, 2020  
Telemeeting held remotely via the platform GoToMeeting

- 1) The meeting came to order at 6:08 p.m. Present were board members Tom Huncharek (chair), Michael Day, and Lon McClintock; attorney Bill Fisk; Aemon Mulligan of MSK Engineering; Rex Burke; Jen McGean; Tom Rief; and zoning administrator Shelly Stiles. (Board member Chris Ponessi joined at about 7:20 p.m.)
- 2) No one reported a conflict of interest with any item on the agenda.
- 3) Mr. Huncharek moved to approve the July 15 minutes. Mr. McClintock seconded the motion, which upon roll call vote passed 3-0-0.
- 4) The hearing on Application 20-0001, parcel 15 20 13, boundary line adjustment to convey 0.26 acres from a roadway parcel from Cross to Burke came to order. The road has not been constructed. Mr. Fisk described the proposal to merge one half of the roadway parcel lying between Mr. Burke's two lots (of three) to each of the two adjoining lots, with Mr. Cross maintaining an easement for underground utilities on the former roadway. The through road would be terminated upon completion of the boundary line adjustment. Access to neighboring parcels would not be affected. Neighbor Mr. Reif said he had no objections to the proposal.

Mr. Huncharek moved to close the hearing on permit #20-0001. Mr. McClintock seconded the motion. On a roll call vote, the motion passed 3-0-0.

Mr. McClintock moved to approve application #20-0001. Mr. Huncharek seconded the motion. Upon roll call vote, the motion passed 3-0-0. The boundary line adjustment was approved.
- 5) Jeff Goldstone described the request to amend permit # 18-00032 to allow the construction of an uncovered picnic deck at Lake Paran Village. The 19' x 17' deck would nearly intersect the ground on the uphill side but would be elevated on the downhill sides, where benches and railings would be placed. Mr. Goldstone said the location was the only one on the site which worked for such a structure.

Mr. Goldstone said the reason for the application was that the developers found themselves with funding to spare as the project closes down. It is his hope to construct the project in the very near future, perhaps as early as beginning this week, in order to take advantage of having the contractor on site as the larger project winds down.

The board discussed the process of reviewing an amendment to a permit, upon which the bylaw is silent. Ms. Stiles said she'd been advised by the Regional Planning Commission's executive director, who a few years ago helped the town's Planning Commission revise the bylaw, that the bylaw indeed lacks a reference to amending permits and that she should check the language of the permit document itself. That permit, she said, called for a review by the DRB but not explicitly a hearing. On closer inspection, it was found that only the subdivision permit and not the site development permit contained such language regarding DRB review. Board members agreed that in any case a hearing on the proposal would be required. The board agreed to schedule a special meeting for the hearing on the proposed picnic deck on September 8, 2020 beginning at 4 p.m. Ms. Stiles will ensure the necessary warnings and notices are distributed.

Mr. Huncharek will ask that the Planning Commission address the lack of a provision allowing the zoning administrator to review and approve or deny proposals such as these (a procedure called "de minimus review").

- 6) Mr. Ponessi joined the teleconference. He announced his resignation from the Board, as he would be moving to Bennington later in the week. Mr. Huncharek thanked him for his service and accepted his resignation.
- 7) The meeting adjourned by acclamation at 7:30 pm.

Notes by ZA Stiles.