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# Town of Shaftsbury

Municipal Offices at Cole Hall

## Meeting Minutes

PO Box 409  
61 Buck Hill Road  
Shaftsbury, VT  
05262-0409  
(802) 442-4038

### Development Review Board (DRB)

Date of Meeting: December 4, 2024

Members Present: Mike Day (chair), Denny Browe, Sarah Costin, Tedd Habberfield. Applicants Joan Dornhoefer and Naomi Miller and their representative Eamon Mulligan of MSK Engineers were present via Zoom. Applicant Rickey Harrington and his representative Terry Stacy, owner of an excavating company, were present in person. Zoning administrator Shelly Stiles was also present.

1) Call to order

The meeting came to order at 6 p.m.

2) Conflict of interest statement

No one reported a conflict of interest with any item on the agenda.

3) Sign in sheets

Sign in sheets were passed around and signed.

4) Approval of Minutes – November 6, 2024

Mr. Habberfield moved to approve the November 6 minutes. Mr. Browe seconded the motion. The motion passed 4-0-0.

5) Application 24-0069, parcel 03 01 41, address 1325 Maple Hill Road, Shaftsbury VT 05262, two-lot subdivision, final plat review.

The sketch plan and preliminary plat review for this subdivision proposal were reviewed at the November 6 meeting of the DRB. Eamon Mulligan of MSK Engineers, presenting for the applicants, said that all the changes requested by the DRB at that meeting have been made to the final plat. They are:

- i. The address has been shown in the address block
- ii. The entire property owned by the applicants on both sides of Maple Hill Road and the abutters thereto are illustrated on the locus map.
- iii. The proposed new lots 1 and 2 are shown and their post-subdivision square footages are enumerated.
- iv. The proposed locations of the well and wastewater systems are shown.

There being no other comments or questions, Mr. Habberfield moved to close the hearing. Ms. Costin seconded the motion, which passed 4-0-0.

6) Application 24-0072, parcel 03 02 06, address 2118 Maple Hill Road, Shaftsbury VT 05262, owner Ricky

Harrington, variance request, setback from front yard property line

Mr. Harrington described his variance request. He said he purchased a lot formerly owned by Robert Adelberg and Linda Miller in November. It is the southern-most lot, on the east side of the road, of the larger parcel formerly owned in its entirety by the Adelberg/Miller family. He intends to place on it a modular residence which is to serve as the new home for one of his three sons. At the request of the former owners, Mr. Harrington demolished a renovated trailer/house which was located on the property. Mr. Harrington proposes to connect the new residence to the well and septic system that served that trailer/house, which, according to the deed, dated to 1968.

The applicant reported that the former trailer/house was 1072 s.f. in size. The new residence will be 784 s.f. in size. The old house had 3 bedrooms and 2 baths. The new residence will have 2 bedrooms and 1 bath. The old trailer/house sat on a slab about 50' from the edge of the ROW of Maple Hill Road. The new house, if permitted, will sit on a foundation also located about 50' from the edge of the ROW. The property is in the R200 zone with a front yard setback requirement of 100'.

Mr. Harrington warned the abutters in a timely manner. Those abutters are Robert Adelberg and Linda Miller, David and Karen Mellinger, the Pell Trust, and the Town of Shaftsbury. Mr. Harrington provided copies of the warning notice. Abutters Adelberg/Miller and the Mellingers testified at the hearing. The Pell family did not contact the Town.

Mr. Stacy said he'd had Uncle Bob's Septic Service pump the tank on December 7. They reported the tank was in great shape and that there were no obvious problems with the system. Uncle Bob's has promised a report on their examination of the system.

David Mellinger affirmed the truthfulness of the testimony he was about to give. He said his family hopes the variance is issued but has questions about the existing septic system and its potential impact on their new well, located a significant distance to the south. He asked that the system be inspected. Mr. Stacy said drainage on the Harrington property flows to the north. He said there is no reason to think there is any issue with the septic system. He said he has not disturbed the leach field in his work on the Harrington site.

Mr. Adelbert affirmed the truthfulness of the testimony he was about to give. He said he supports the variance request. He said he was the former landlord for the property in question. He said the former structure was never problematic in terms of its location viz the road. He said the septic tank was installed before the 1980s. He said he'd never received any information on the wastewater system. Bob Church's septic company pumped the tank over the years.

Mr. Harrington said the terrain makes it hard to place the residence further away from the road as the land drops off steeply to the east and toward the location of the septic leach field. In fact, he hopes to build a walk-out basement to take advantage of the terrain.

Mr. Stacy and Mr. Harrington pointed out on a map the location of the Mellinger property well to the south of the Harrington property.

Karen Mellinger said she has no issues with the variance but is concerned about the old wastewater system.

Mr. Habberfield moved to close the hearing. Mr. Browe seconded the motion, which passed 4-0-0. Mr. Day explained the review and appeals process as outlined in statute.

## 7) Other business

The December 18 meeting was cancelled.

Mr. Habberfield asked DRB members to review the draft subdivision regulations shared by the Zoning Administrator. (The Planning Commission has been working on a rewrite.) The ZA will add the rewrite as a regular item on the agenda.

Mr. Habberfield moved to enter deliberative session. Ms. Costin seconded the motion, which passed 4-0-0.

Mr. Habberfield moved to leave deliberative session. Ms. Costin seconded the motion, which passed 4-0-0.

Mr. Habberfield moved to approve application 24-0069, parcel 03 01 41, address 1325 Maple Hill Road. Mr. Browe seconded the motion, which passed 4-0-0.

Mr. Habberfield moved to approve 24-0072, parcel 03 02 06, address 2118 Maple Hill Road, for a front yard setback variance of 50'. Mr. Browe seconded the motion, which passed 4-0-0.

Mr. Habberfield moved to adjourn at 7:07 p.m. Mr. Browe seconded the motion, which passed 4-0-0.

Notes by ZA Stiles