

## Minutes

### Town of Shaftsbury Development Review Board

January 19, 2011

Cole Hall

Shaftsbury, Vermont

**Board Present:** Phylis Porio (Chair), Gary Burgess (Vice Chair), Fritz Ludwig, David Mance, Christopher Ponessi, Robert Holmes (Alternate Board Member), (David Mance and Christopher Ponessi joined the meeting in progress)

**Board Absent:** Richard Mattison, William Jakubowski

**Others Present:** Suzanne Bushee (Zoning Administrator), Robert Whitney (Recording Clerk), Jason Dolmetsch, Regina Nash, Mark Wightman, Ed Luce, Cindy Luce, Patrick Chaloux, Diane Chaloux, Paula Colbert, Jacqueline Myers, Michelle Prouty, Ken Coonradt, John Enders

1. **Call to Order:** Tonight's meeting of the Shaftsbury Development Review Board was called to order at 7:00 pm by Chair Phylis Porio.

2. **Conflict of Interest Statement:** David Mance was recused from the DRB pertaining to Old Business, 3A.

3. **Old Business:**

A. Permit #10 9 68: Estate of Marjorie Kelly, Owner Regina Nash, Property ID #13 21 26, proposed subdivision, dividing one lot into two residential lots.

Jason Dolmetsch, Regina Nash and Mark Wightman signed in and testified before the Board. The final plan for review was submitted by Jason to the Board. The wastewater permit has been received. The proposed subdivision is to subdivide a 2.25 acre lot to one lot of .25 acres, where there is at present a building, and a lot of 2.04 acres bordering on Grandview St. Power is from a utility pole across the street and one on driveway side. The intention is to sell both lots. The driveway is 20' wide with an additional five feet on both sides for snow removal. The building permit is for a structure up to the size of four bedrooms on the larger of the two lots. Construction of the house will not require any substantial grading. The grade goes down from Grandview St.

Comments from the public in attendance:

Ed and Cindy Luce, 25 Grandview St., signed in and expressed their concerns about connections to sewer lines. They asked what can be done to prevent backup of sewage. Jason replied that connection will be to the Bennington sewer system with an 8" main that can handle a large flow. The pipe will run north of the existing house. The Town of Bennington is responsible for the sewer line. The capacity of the line is substantial. Water runoff will be discharged to the larger lot, not the Luce's lot. The lot cannot be further subdivided unless there is access of 50' in width.

Patrick and Diane Chaloux signed in and testified that the present utility pole is not of regulation size. The drainage ditch disappears in front of the Kelly household. The pipe under the existing right of way cannot handle a heavy load.

Paula Colbert signed in and testified that the back of the parcel in question abuts her backyard. She is concerned about water being displaced into her property. As it is now her property does not dry out, it is always wet. She is very concerned about more water coming onto her property making a larger area unusable. She is also concerned about any trees being removed.

Chair Phylis Porio asked Jason if the plans could indicate the wetland areas. Jason replied that there are no class two wetlands.

**At this time David Mance joined the conversation as a recused Board member.**

Jason said that the intent is not to do any further work on the lot until it is sold. David Mance said that some trees may be cut in order to have a larger lawn but not to increase the house envelope. The buyer would decide what to cut. The buyer would have to submit their plan for approval.

Paula reiterated that the slope is towards her property and she is concerned about more water coming onto her property.

Phylis asked Jason to include contour lines to the plan.

**Christopher Ponessi joined the Board.**

There were no other comments from the public in attendance.

Robert Holmes asked if the building permit process addressed tree removal. Phylis said that it did not. Phylis said that water runoff can be addressed in deliberative session.

David said that a note can be added to the plan as a condition addressing increased flow of water can be cached in a retention area.

Jason asked if a storm water management plan be included that would limit storm water runoff to present amounts as a condition of approval. Phylis replied that it would be taken into consideration.

Chris asked questions about the ditch along the driveway. David said that there was an extra five feet south of the north driveway.

Phylis asked that the width of the driveway be indicated on the plan and that language for water retention be added when the plan is brought back next month.

Chris asked that the grading plan for the driveway be indicated on the plan and that a cutting restriction for the back of the lot be included in order to protect the wetland.

**Motion was made by Gary and seconded by Robert to continue this matter to the next meeting in February. Approved 5-0-1.**

#### **4. New Business:**

A. Permit #10 89 79: Methodist Church, Church St., applicant Jacqueline Myers applying for a school age childcare facility. Property ID #17-20-04.

Jacqueline Myers, Michelle Prouty and Ken Coonradt signed in and testified as to the childcare facility application. The Vermont District of the New England Conference of the United Methodist Church is the owner of the property, not Pastor Bowles as listed in the application. The pending license is for a school age childcare facility in a 35' by 34' area in the back of the building. The facility would operate on holidays, snow days, in-service days and summers. It will not operate as a before or after school childcare facility. The license is for ten people, including staff.

**At this time David Mance joined the Board.**

The hours of the facility will be 7:30 am to 4:30 pm. Because of section 7.9 a conditional use will be needed to allow a size of ten instead of the six allowed by that section. A site plan is required. Age of the children in the facility will range from six to twelve years. The facility is a pre-existing building and the fire marshal has given approval. The Church can have an agreement with the Leos to use their property as an exit to Cleveland St.

Phylis explained to the applicants the process and the conditions necessary for approval. She explained that the Board has 45 days to issue its decision.

B. Permit #10 89 80: Estate of R. Bucknall applying for minor subdivision. Parcel ID #18 02 07, 1988 East Road. Proposed Lot A is 8.66 acres in size and proposed Lot B is 62.33 acres in size. Sketch Plan Review.

John Enders signed in and testified for this sketch plan review. John said that the house on Lot A has been there since approximately 1820. There have been attempts to sell the house and 70 acres for years. The proposal is to subdivide the 8.66 acres with house from the 62.33 acre parcel which will be sold. It is a potentially buildable site. The Board asked that East Rd. be indicated on the sketch plan. The driveway cut for Lot B exists and the driveway for Lot A needs to be indicated. There is a six bedroom house on Lot A. It is presently under contract pending the subdivision.

**Motion to close the hearing on this minor subdivision sketch plan review was made by Gary and seconded by Fritz, all in favor 6-0-0.**

John was directed to return for the February meeting with the changes made to the sketch plan. Phylis asked John that 5.04-5.06 be complied with on his return. Suzanne will warn this matter for the February 16, 2011 meeting.

**5. Curb Cut:** None.

**6. Other Business:** None.

**7. Minutes:** The Minutes from the Development Review Board meeting of January 5, 2011 were addressed. The following changes were made: Christopher Ponessi was listed as Present. Robert Holmes was listed as Present rather than Others Present. In Old Business, the language "the approval of the Permit" was added to the second sentence. The sentence, "The Permit was never signed and the Mylar was not on record." was added. Under 3B., Old Business, the date "May 6, 2009" was added.

**8. Decisions to be signed:** Phylis signed the subdivision permit for Montgomery.

**9. Deliberative Session:** Deliberative session was entered by unanimous agreement at 9:25 pm. The DRB came out of Deliberative Session at 9:36.

**Dave Mance made a motion to approve the Family Service application of Jacqueline Myers with the conditions specified in the conditional permit. Fritz Ludwig seconded the motion. Motion passed 6-0-0**

**10. Adjournment:** A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to adjourn the meeting of the Shaftsbury Development Review Board at ??? pm. All in favor, ?-?-?.

Respectfully submitted,

Bob Whitney