

**Shaftsbury Development Review Board
Minutes of the Meeting Held August 5, 2015**

- 1) 7:03 p.m. The meeting was called to order by Mr. Huncharek. Also present were Mr. Ponessi, Ms. Donckers, and alternate Mr. Day. Mr. Mance, Mr. Bidy, and alternate Mr. Palmer were absent. ZA Stiles was also present.
- 2) Conflict of interest:
There were none.
- 3) A sign in and a testimony sheet were given to the sole applicant.
- 4) Approval of July 15, 2015 minutes. Ms. Donckers moved to accept. Mr. Day seconded the motion, which passed 3-0-1 (Mr. Ponessi abstained). Mr. Huncharek signed the minutes.
- 5) Application #15-9574: Robert and Deborah Daly, parcel # 18-02-20, accessory structure; conditional use permit for shed in the special flood hazard area per Zoning Bylaws sections 7.15.3ff and a variance to 50 foot stream buffer requirement in accordance with Subdivision Regulations 2.3.2.A and Bylaw section 8.6 in an RR 40 zone.

Mr. Daly signed the sign in sheet and testimony sheet.

He explained to the board that he needs additional storage space, that he'd like to put a shed on portions of a concrete slab (an old barn floor), and requests a variance to the Town's 50' stream setback requirement. He said all his buildable area is either within 50' of the stream or inside the setback zones. He explained that the shed wouldn't be quite rectangular, but would total about 180 s.f. He submitted a statement testifying he had notified the abutters on a list ZA Stiles had provided him. It was noted that the DEC floodplain manager for the area had sent an email to the ZA stating the proposed shed is not in the present special flood hazard area, and that he strongly recommended, should the DRB approve the application, that a condition be that the shed be anchored.

Mr. Ponessi asked why the DRB was asked to refer to the subdivision regulations when the proposal is not a subdivision. ZA Stiles referred to the subdivision regulations 2.3.2.A which state that "year-round watercourses shall be preserved in a free-flowing state with a buffer of at least 50 feet maintained between the stream bank and development" (not a "stream bank and subdivision").

Mr. Ponessi discovered that not all the abutters were accurately notified; ZA Stiles had given the applicant a list that did not include a recent subdivision on an abutting parcel – now owned by Tillerman Inc. and/or Hannah Outwater. After discussion, it was agreed that should the DRB approve the application, a condition would be that the applicant secure a statement from those non-notified abutters that they waive their right to a fifteen-day notice of the hearing.

Mr. Daly stated he planned no electricity or gas for the shed.

There was discussion of whether the map submitted with the application sufficed. ZA Stiles shared an additional map that had not been included in the project packet sent to the board. ZA Stiles mentioned that the requirement of the zoning permit application that the map show "property lines; location of all existing and proposed buildings; location of all existing and proposed wells and septic systems; scale (how many feet per inch); all front, rear and side yard setbacks from property lines" was unreasonable in many cases, as parcels are often too large to be shown on an 8.5" x 11" sheet and still show proposed developments in an understandable fashion.

Ms. Donckers moved to close the hearing, Mr. Day seconded. The motion passed 4-0.

The applicant requested clarification of when a decision would be made, which members of the Board offered.

The Board asked the applicant to submit the abutters' statements by the August 19, 2015 meeting (which he need not attend).

8) Other business

ZA Stiles described a call from the owner of the Country Store. The ZA had notified that owner, through the Select Board chair, that the ZA believes the Zoning Bylaw does not permit mixed commercial and residential use. The owner of the store had called to ask if there was anything the ZA could do. Members of the board suggested calling the Town attorney to get his opinion.

The meeting was adjourned by acclamation at 8:20 pm.

Minutes by ZA Shelly Stiles