

Shaftsbury Development Review Board

January 4, 2023

Cole Hall and via Zoom

1. Call to Order – Recognition of Quorum

The meeting came to order at 6 p.m. Present were Board members Mike Day (chair), Denny Browe, Sarah Costin, and Zoe Contros Kearn. Board member Tedd Habberfield joined via Zoom shortly thereafter. Also present via Zoom were Linda Bernard, Woody Swain (an abutter), and Marjorie Dean. Zoning administrator Shelly Stiles attended in person.

2. Conflict of Interest

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

3. Sign in sheets

Sign in sheets were passed around.

4. Approval of Minutes – December 21, 2022

Ms. Costin moved to approve the minutes. Mr. Browe seconded the motion. Ms. Stiles said that Ms. Carbin, an abutter, had contacted her by email to request changes to the minutes: that she, and not Mr. Carbin, had made a remark about moving their own building envelope; and that both believed building envelopes should be respected. Ms. Stiles suggested that rather than amending the December minutes, the Carbin's comments be included in the January 4 2023 record. The motion to approve the minutes passed 4-0-0.

5. Re-convening of hearing, application #22-0099, parcel 12 01 04.3, 755 Cross Hill Road, owners Michaela Schneiderbauer and Ivette Guttmann, application for a single family residence within a revised building envelope created by permit 97-196S for Carol Blomquist, December 4, 1997 and amended with this application.

Mr. Day described a site visit by him, Mr. Browe, and Ms. Costin on January 2. He said they viewed the old and proposed building envelopes and the proposed location of the home, which had been staked out earlier by the applicant's engineer, Chris Ponessi. He said they took in the view from the Carbin back yard, at the invitation of the Carbins. Ms. Contros Kearn said she had also made a site visit, alone, and had seen the stakes and a picnic table in the vicinity of the proposed home. Mr. Ponessi submitted a black and white site plan showing the stake locations. Mr. Ponessi noted that the septic and well would be in both the present and proposed building envelopes. Mr. Day said the board had received copies of the deeds of all the lots created by the Blomquist subdivision.

Mr. Carbin said it was his understanding that building envelopes could be changed only when unforeseen things such as technical changes, changes in construction methods, or new regulations arise. He said he'd been so told by his attorney that morning. Mr. Ponessi objected to the statement as nothing in writing had been provided by an attorney.

Various statements were made regarding what others would do in the Carbin's places and what their architect had originally recommended.

Ms. Stiles said she could not confirm that the Carbin building envelope had not been moved without an as-built survey.

Mr. Ponessi noted that any postponing of the closing of the hearing would threaten the applicants' full use of the upcoming construction season and therefore increase their costs.

Mr. Day moved to close the hearing. Ms. Contros Kearl seconded the motion, which passed 4-0-0. Those in the audience left the room.

Ms. Stiles reported to the board that Zoom attendees seemed to be having trouble with the Zoom meeting. (Except for Mr. Habberfield, their videos had been largely turned off until moments earlier. Now two attendees gestured in frustration.) Mr. Habberfield reached Mr. Day by phone and the group learned that Zoom attendees had been trying, unsuccessfully, to make themselves heard. Mr. Day put Mr. Habberfield on speaker phone. Mr. Habberfield reported that the Zoom attendees could hear and see what was happening at Cole Hall and could hear one another.

Ms. Stiles found and shared a 2009 VLCT document on reopening hearings. Mr. Day read it to the Board. The following discussion centered particularly on Mr. Swain's inability to participate, and also on the Carbin claims regarding moving building envelopes.

Mr. Day moved to reopen the hearing on application #22-0099. Mr. Habberfield seconded the motion, which passed 5-0-0. Mr. Day instructed Ms. Stiles to warn the hearing for January 18. Ms. Stiles said she would notify Mr. Swain, the Carbins, and Mr. Ponessi that evening.

6. Other business

Mr. Habberfield moved to adjourn at 7:10 p.m. Ms. Costin seconded the motion, which passed 5-0-0.