

**Town of Waitsfield
DEVELOPMENT REVIEW BOARD
Draft Meeting Minutes
Tuesday, January 13, 2009**

1. **CALL TO ORDER:** Brian Shupe, Chair, called the meeting to order at 7:10pm at the Waitsfield Town Office.

MEMBERS PRESENT: Brian Shupe (Chair), Gib Geiger, Mike Kingsbury, and Chris Cook.

MEMBERS ABSENT: Eleanor D'Aponte and Mark Sinclair.

STAFF PRESENT: Vickie Trihy, Planning and Zoning Administrator

APPLICANTS AND THEIR REPRESENTATIVES: Chris Nordle (representative for applicant/landowner Robert Schulz), Sandy Lawton, and Adam Lougee.

INTERESTED PARTIES: None.

OTHERS PRESENT: Lisa Loomis (Valley Reporter), and Nancy Myrto (Minutes Taker).

2. **Reconvene hearing for application #3205, Robert Schulz/Hastings Meadow LLC.** Request to reduce rear setback for lot #1 of Hastings Meadow subdivision. Property is identified as parcel #25001.101 in the Agricultural-Residential District (§2.07).

Mr. Kingsbury noted that an 8:00am site visit was conducted this same day. Attending the site visit were Ms. Cook, Mr. Shupe, Mr. Geiger, Mr. Kingsbury, Mr. Nordle, Mr. Lawton, Mr. Lougee, and Mr. Mall. The party observed the view of the property from within the [Schulz?] house on both floors. The house was also viewed from within the property lines and from residences owned by Mr. Mall and the Dillon, Werner, and McGrath families.

Mr. Shupe noted that he received an email from Mr. Mall, which he then distributed to the Board. The email called into question Mr. Lawton's statement at the December 9 meeting that he had inadvertently used the incorrect setbacks. Mr. Mall's email described past incidents he felt demonstrated mistakes that were not honest.

Mr. Lougee and Mr. Lawton responded that multiple survey pins led to confusion about the boundary line, and that the post Mr. Mall had placed was not deliberately removed but was rotten. They noted that the well was relocated from its original site to stay in compliance with the set boundary markers at Mr. Mall's request once they were aware of the error.

Mr. Shupe noted that the neighbors' concerns appear to be with the visual impact of the shorter setback, and the DRB needs to determine if this is relevant. He also noted that an additional 5' did not gain Mr. Schulz any advantage with regard to views or property lines. Mr. Shupe asked Mr. Lougee what alternative provisions he might suggest.

Mr. Lougee noted that he and Mr. Lawton offered to place additional screening at the property line, but still maintaining an aesthetic view for Mr. Schulz. Mr. Lougee also noted that he and Mr. Lawton offered to change the setbacks on lot 2 to be 25' from property lines, and cut back the building envelope to keep it from going down slope.

Mr. Lougee and Mr. Lawton confirmed to Mr. Kingsbury that all outside negotiations with Mr. Mall have been exhausted.

Mr. Nordle noted that Mr. Schulz hopes to come up with a solution that is amicable to all.

Mr. Kingsbury motioned to close the hearing at 7:33pm. Mr. Geiger seconded. There was no further discussion. All members voted in favor.

3. **APPROVAL OF MINUTES:** Mr. Kingsbury moved to approve the minutes of the December 9 meeting, after omitting Valerie Capels and Paul Hartshorn from the list of attendees. Mr. Geiger seconded. There was no discussion. All members voted in favor.
4. **OTHER BUSINESS:** Ms. Trihy noted that Eugene Jarecki would like to file an application for a February 10 hearing to expand a garage in a flood zone area. The request would ask for a variance to construct the building on two lots (part of the building on one lot and the other on an adjacent lot). Mr. Shupe requested Ms. Trihy discourage this as it is an expansion of a non-conforming use.

Ms. Trihy informed DRB members that an email regarding MRVAS had been received from Kirsten Siebert.

Mr. Kingsbury asked for an update on the proposed skateboard park mentioned at the December 9 meeting. Ms. Trihy responded that the interested parties were unable to obtain permission from the property owner to proceed with the park.

Ms. Trihy presented DRB members with a preliminary survey of the Marcelle subdivision. Mr. Shupe asked if all the deeds were in order. Ms. Trihy stated that last she heard they were not signed. Mr. Shupe asked Ms. Trihy to inform the applicant that deeds need to be in order, and also requested that the driveway be shown as part of the building envelope.

Ms. Trihy presented the DRB members with a plat mylar for the Compere Subdivision. Mr. Shupe asked Ms. Trihy to confirm all lots in the subdivision for recording purposes. Mr. Shupe and Mr. Geiger signed the mylar on behalf of the DRB.

8. **ADJOURNMENT.** The meeting adjourned at 7:55pm and the Board went into deliberative session.

Respectfully submitted,

Nancy Myrto