

## **TOWN OF HARDWICK**

### **DEVELOPMENT AND REVIEW BOARD**

**Unapproved Minutes of the Meeting 30 June 2015**

**Members present: Chairman Joe Rivard, Vice Chairman Dan Bandit, Lisa Maskell, and Ed Keene**

**Also present: , Zoning Administrator Karen Holmes**

**Members not present: Cheryl Michaels, John Mandeville, Michael Lew-Smith**

**7:00PM Chairman Rivard opened the meeting of the DRB in re notice of violation by Earl and Wilma Shatney of East Hardwick. There were no conflicts of interest amongst the board members present other than Mrs. Holmes who will be participating as a witness, not as Zoning Admin.**

**Mrs. Holmes gave a summary of her part in this issue. On 28 April 2015 she sent a registered letter and a regular mail letter (duplicate) to the Shatneys requesting a site visit at their residence because of a new complaint from adjoining neighbors, Mr. Gross and Mr. and Mrs. Mandeville stating they felt the Shatneys were in violation of zoning laws once more, because of a large white truck parked in their driveway which produced noxious fumes, excessive noise, and vibrations. Mrs. Holmes had driven by the site and saw the truck which was smaller than the tractor trailer that had been there previously. She felt, in light of the adjoining property owners complaints (the truck was not running when she drove by) that she should issue a new review, requesting a reply from the Shatneys within 7 days. Mrs. Shatney signed for the registered letter on 29 April 2015. On 6 May, not having heard from the Shatneys, Mrs. Holmes issued a notice of violation because there was a large commercial truck parked in the Shatneys' drive.**

**On 14 May, Mrs. Holmes received a notice of appeal from the Shatneys' attorney, Glenn Howland. Adjoining property owners were summarily notified (except for Marge and Sharon Dunbar, who have moved away and mail was no longer being forwarded), and a Hearing was scheduled for 30 June 2015.**

**Mr. Howland and the Shatneys came forward and were sworn in. Mr. Howland requested permission to question Mrs. Holmes and asked that she also be sworn in.**

**There was some question as to whether that would be proper procedure, but Chairman Rivard eventually allowed it. Mr. Howland questioned the validity of Mrs. Holmes appointment as Zoning Administrator and asked what she had done between 28 April and 5 May to determine the value of the neighbors' complaints. Chairman Rivard stated that Mr. Howland should be discussing Mrs. Holmes appointment with the Select Board, not the DRB or Mrs. Holmes. Mrs. Holmes reiterated that she had driven by the Shatneys' residence and had seen the large white truck there, which was admittedly not running when she drove by. Attorney Charles Storrow and Mr. Gross appeared and were sworn in. Mr. Storrow stated that the Hardwick charter states specifically that the Select Board appoints the Zoning Administrator. He also spoke about the 24 February 2015 ruling by the Environmental Court which found that the Shatneys had changed to use of the property to**

commercial rather than just residential, and therefore they were in violation of the zoning laws in a compact residential district.

Several people came forward and were sworn in to testify on behalf of the Shatneys, one of whom stated that garbage trucks often parked, idling, in front of her house and she had no complaints about noise, vibrations, or noxious fumes. Mrs. Shatney spoke again about the fact that there were no complaints for a few years and then suddenly people were taking pictures of their place, to the point where she and Mr. Shatney felt as they were being harassed and stalked. Mrs. Holmes said that the Town of Hardwick is not complaining about trucks and truck drivers in general. This is a specific case in a residential zone.

8:07 PM Chairman Rivard closed the hearing.

8:10 PM The Board went into Deliberative Session

9:20 PM The Board announced their unanimous decision in favor of overturning the Notice of Violation.

Respectfully submitted,

Ruth V. Carr, Interim Recording Secretary