

MINUTES OF THE TOWN OF SHAFTSBURY  
DEVELOPMENT REVIEW BOARD  
November 5, 2008  
COLE HALL  
SHAFTSBURY, VERMONT

**Board Present:** Phylis Porio (Chairperson), William "Jake" Jakubowski, Rick Mattison, Fritz Ludwig, Gary Burgess, David Mance

**Board Absent:** Wynn Metcalfe

**Others Present:** Christian Heins, Jay E. Burdick, Joseph McKechnie, Dorothy McKechnie, Eileen Steinmeyer, Art Paulin, James J. Williams, Michael Bidy, Christy Nevius, Jason Dolmetsch, Jim Secor, Donald B. McKenna, Tony Zazzaro (zoning administrator), Gary Peterson (recording secretary)

**1. Call Meeting to Order:**

Phylis Porio (Chairperson) called the meeting to order at 6:57 PM.

**2. Old Business**

**A. PERMIT# 08 86 42: SECTION 5.05 - REVIEW AND APPROVAL OF PRELIMINARY PLAT & SECTION 5.06 - FINAL PLAT SUBMISSION FOR PAUL H CROSS OF SHAFTSBURY. TWO LOT MINOR SUBDIVISION. PROPERTY ID 10 20 45. THIS PROPERTY IS LOCATED ON CIDERMILL RD AND IS ZONED RR40**

David Mance recused himself from this matter and left the table.

Chris Heins distributed a site plan which reflected the creation of lot 2 (7.54 acres) and lot 1 (approx. 17 acres) which has an existing house. Mr. Heins noted that each lot has frontage on Cider Mill Road, that the location of the new curbcut was specified, and the water/wastewater permit was issued on 8/11/08 (#81176). Board members noted that the mylar would need to include information that sections 5.06 and 5.03 of the subdivision regulations require such as the location of the septic areas, well location and zoning data.

Chairperson Porio noted that the road foreman had concerns about sight distance for the curbcut. Jay Burdick indicated that the current knoll location of the driveway is optimal and removal of brush would remedy those concerns.

Chairperson Porio asked for public comments; there weren't any.

**Jake Jakubowski made motion to close the hearing. Gary Burgess seconded. Motion carried 5-0-0.**

**Mr. Jakubowski made motion to approve the Cross minor subdivision subject to the mylar satisfying conditions contained in sections 5.06 and 5.03, and that the sight distance in each direction from the curbcut be maintained clean and clear to a visibility of 225 feet. Mr. Burgess seconded. Motion carried 5-0-0.**

**Mr. Burgess made motion to approve the curbcut as located on the final plat plan (10/27/08) subject to the maintenance of 225 feet of sight distance in each direction at all times. Fritz Ludwig seconded. Motion carried 5-0-0.**

**B. PERMIT #08 86 24: SECTION 3.5 - CONDITIONAL USE REGULATIONS, SECTION 6.4.3 - APPEALS AND VARIANCES FOR REDUCED SIDE AND REAR YARD; SECTION 3.6 SITE PLAN REVIEW. FOR ARTHUR PAULIN PROPERTY ID 15 20 36. THIS PROJECT IS TO INSTALL A NEW DIESEL PUMP ISLAND AND CANOPY WITH SERVICE TO BE USED 24HRS A DAY THIS PROPERTY IS LOCATED AT 1250VT RT 7A AND IS ZONED COMMERCIAL INDUSTRIAL**

Mr. Mance returned to the board table.

Jim Secor presented a revised site plan. He provided copies of statements from the state police, Bennington rescue squad, and Shaftsbury fire

chief which indicated that they did not have concerns about the project. He also provided a copy, as requested, of the lease agreement between Dailey's and Mr. Paulin. It was confirmed that adjacent property owners had been notified about the hearing.

Mr. Secor noted many changes to the plan designed to respond to board concerns and answered questions from the board. There was discussion about possibly shifting the proposed island to reduce the magnitude of the setback variance required, but Mr. Paulin and Mr. Secor described the proposed location of the new pump island as the only location that satisfied the turning needs of the trucks that would access the island.

Mr. Secor stated that negotiations were going on between Mr. Paulin, Dailey's, and CVPS to agree to the use of the right of way on the south side of the property.

Access to the pay telephone was discussed with attention to ADA requirements.

Mr. Jakubowski stated that, while meeting in deliberative session, board members thought that some sort of curbing to control traffic flow might be advisable in order to focus the places where vehicles enter and exit the property. Mr. Paulin stated that he thought curbing would create problems. When asked by the board, Jason Dolmetsch reported that the state department of transportation does have a policy to promote curbing in order to limit open curbcuts. Mr. Dolmetsch noted that there is currently adequate space for cars to backup from parking spaces and get turned around to safely enter the roadway, and a curb would impair that activity.

Mr. Secor agreed to provide measurements related to the possible location of curbing. He was also asked to show on the site plan the striped five foot walkway and the required truck loading space.

Chairperson Porio asked for public comments; there weren't any.

**Mr. Jakubowski made motion to continue the hearing at the Paulin site on November 12, 2008 at 4:00 p.m Mr. Burgess seconded. Motion carried 6-0-0.**

### **.3. New Business**

#### **A. PERMIT # 08 86 52 : 4.1.3.1 - CONDITIONAL USE PERMIT - CUSTOMARY HOME OCCUPATION FOR JAMES & KATHLEEN WILLIAMS, OWNERS, PROPERTY ID 13 20 55. WILLIAMS FINANCIAL MANAGEMENT LLC IS THE APPLICANT FOR A HOME OFFICE USE. THIS PROPERTY IS LOCATED AT 75 HEWITT DR. AND IS ZONED RR40**

JJ Williams provided a letter which summarized his plans. He stated that he would be the only employee and that the office would occupy a 20 x 12 foot space in his approximately 2100 square foot home. He stated that he has a two lane driveway, has created a crushed stone parking space more than fifty feet from his property line, and expects fewer than two visits per week from customers. He added that he would like to erect a 1 x 1.5 foot sign.

Chairperson Porio asked for public comments. Eileen Steinmeyer, a resident in the same subdivision, asked how deed covenants which exist in the subdivision apply. Board members indicated that the town bylaws set conditions which needed to be satisfied, but the town did not have anything directly to do with special restrictions contained in deeds and the private rights of action by which they might be enforced.

Don McKenna asked about the difference between a home occupation and a business. Board members indicated that a key difference is that a business has employees.

**Mr. Mance made motion to close the hearing. Mr. Jakubowski seconded. Motion carried 6-0-0.**

**Mr. Mance made motion to approve the home occupation application with the stipulation that there not be any employees except the residents, and that the sign be no more than six feet off the ground and no bigger than 1 x 1.5 feet. Mr. Ludwig seconded. Motion carried 6-0-0.**

Chairperson Porio stated that she would draft the decision.

#### **B. PERMIT # 08 86 53: 5.01 APPLICABILITY LOT LINE ADJUSTMENT PARCEL # 11 01 37 JEANNE MCDERMOTT AND PARCEL # 11 01 38. KEVIN STRATTON. BOTH LOCATED IN RR80**

Mr. Mance recused himself from the matter and left the table.

Mr. Heins stated that there is a house on each lot (one lot of approximately 10 acres, the other of approximately 13 acres). Mr. Heins related that the McDermott roadway was mistakenly placed on the Stratton property, and the purpose of the swap of approximately 0.5 acres is to have the McDermott roadway on McDermott property.

Mr. Jakubowski stated that the parties to the transaction should sign the application, and the location of the houses and septic areas should appear on the final plan.

**Mr. Jakubowski made motion to close the hearing. Mr. Burgess seconded. Motion carried 5-0-0.**

**Mr. Jakubowski made motion to accept the lot line relocation subject to inclusion of the location of the houses and septic areas on the site plan. Mr. Burgess seconded. Motion carried 5-0-0.**

**C. PERMIT # 08 86 54: 5.01 APPLICABILITY LOT LINE ADJUSTMENT PARCEL # 02 01 34 & 35.5. CARL GOODWIN AND PARCEL # 02 01 36. DAVID MANCE. ALL LOCATED IN RR80**

Mr. Mance presented a map and described how Mr. Goodwin would receive a 2.25 acre piece of land and Mr. Mance would receive a 0.3 acre piece. Mr. Mance stated that the exchange would give Mr. Goodwin a contiguous parcel.

There was discussion about abandonment of an approved subdivision.

Mr. Jakubowski stated that Mr. Goodwin's signature needed to be on the application.

**Mr. Jakubowski made motion to close the hearing. Mr. Burgess seconded. Motion carried 5-0-0.**

**Mr. Jakubowski made motion to approve the relocation of the lot line subject to receipt of all signatures on the application and proper filing of the plat. Mr. Burgess seconded. Motion carried 5-0-0.**

#### **4. Other Business:**

Chairperson Porio read a draft of the Operational Report for the DRB which will be included in the town annual report. She asked the zoning administrator to provide the number of permits which the board has dealt with. She asked for comments; there weren't any.

Chairperson Porio read a letter from the state agency of natural resources which stated that it did not have concerns about the operation of the transfer station and did not see the need for a public hearing. She asked if anyone on the board saw a need for a hearing; no one did.

#### **5. Minutes:**

##### October 15, 2008 Minutes

**Mr. Jakubowski made motion to approve the October 15, 2008 minutes. Mr. Burgess seconded. Motion to approve October 15, 2008 minutes carried 4-0-2 (Mr. Mattison and Mr. Mance had not attended the meeting).**

##### October 1, 2008 Minutes

**Mr. Jakubowski made motion to approve the October 1, 2008 minutes. Mr. Ludwig seconded. Motion to approve October 1, 2008 minutes carried 4-0-2 (Mr. Burgess and Mr. Mance had not attended the meeting).**

#### **6. Decisions to Sign:**

Chairperson Porio signed the following decisions:

**A. PERMIT # 08 86 33S: 5.04 PRELIMINARY PLAT SUBMISSION REQUIREMENTS FOR EDWIN COLVIN OF SHAFTSBURY. TWO LOT SUBDIVISION. PROPERTY ID 14 20 59-57. THIS IS THE COMBINING OF 3 EXISTING LOTS AND SUBDIVIDING THEM INTO 2 LOTS. THIS PROPERTY IS LOCATED ON GLASTENVIEW DRIVE.**

**B. PERMIT # 08 86 40: 5.01 APPLICABILITY LOT LINE ADJUSTMENT PARCEL # 18 02 43 STEPHEN KAFFAN AND PARCEL # 18 02 42 C. DENIO. BOTH LOCATED IN THE FOREST AND RECREATION DISTRICT.**

**Mr. Burgess made motion to adjourn. Mr. Ludwig seconded. Motion carried 6-0-0.**

**Meeting adjourned at 9:17 PM.**

Respectfully Submitted,

Gary Peterson