

Shaftsbury Development Review Board
Shaftsbury Town Hall
Buck Hill Rd
Minutes for the Regular Meeting at 7:00 pm
11/2/11

Members Present: Phylis Porio (Chair) Gary Burgess (Vice-Chair), Bob Holmes, David Mance, Chris Ponessi, Fritz Ludwig, William Jakubowski

Others Present: Jennifer Viereck (Zoning Administrator), Carol MacLean and Mike Fenwick (Clerk Recorders), Jeri Schoof, Mary Gronning, Jason Dolmetch, Jay Palmer, Joanne M. Race, Kathleen Geneslaw, Arthur E. Paulin, William G. Oberare, Tom Huncharek, Sue Balutis, Andrew Schoerke, Ron Schoof, Joanne M. Race, Mitchell Race, Michael Foley, Christian Heins, James Secor, Robert Paul, Karen Mellinger

1. **Chair Phylis Porio called the meeting to order at 7:00 pm.**

2. **Conflict of Interest Statement**

- A. Fritz Ludwig stated that he had a conflict with item 3A.
- B. Chris Ponessi stated that he had a conflict with items 9 & 8.
- C. Dave Mance stated that he had a conflict with items 3A, 3C, and 4.

3. **Old Business:**

A. Permit # 11 91 28: Robin Tichnor, Owner, Property ID: 08 20 34, Minor subdivision of 12.18 acres. RR80, Section 4.1. This property is located at 453 West Mountain Road. Site Development Preliminary/Final plan per 3.6 of the Town's Bylaws continued from the October 19th meeting.

Dave Mance and Fritz Ludwig left the table. Jason Dolmetch of MSK Engineering stated that he had completed the task requested from the board. Items requested:

- i. including all buildings on the property on the Site Plan,
- ii. providing proof of farm use or permitted accessory use of buildings,
- iii. widening driveway entrance to town right of way to accommodate 2 vehicles to at least 20 feet, for at least 30 feet in length,
- iv. showing building envelope on Lot 2 on Site Plan,
- v. consulting with state on wetlands impacts of parking area in NE corner,
- vi. providing curb cut application for parking area,
- vii. providing a change of use permit for the conversion of a barn to residential use.
- viii. Show contouring on Site Plan.

Jason Dolmetch stated that the sheds on lot 3 would be removed and the shed on lot 2 would be relocated. A curb cut permit has been applied for. A note will be added on the deferral language for lot 2 that says "In order to maintain agricultural land; consideration should be given to cluster any proposed structures with those existing on lots One and Three."

Chair Phylis Porio asked if anyone in the audience had any questions or comments. There were no questions or comments.

Gary Burgess made the motion to close the hearing. Chris Ponessi seconded. Motion carried 5-0-0 with Dave Mance and Fritz Ludwig recused from hearing.

Gary Burgess made the motion to take the matter into deliberative session. William Jakubowski seconded. Motion carried 5-0-0. (Dave Mance and Fritz Ludwig recused from hearing.)

Dave Mance and Fritz Ludwig rejoined the meeting.

- B. Permit # 11 91 65: Request from Paulin Inc. for reopening of hearing on appeal of ZA Decision denying signage on diesel canopy.

Rob Woolmington advised the DRB in a letter that they could re-open the hearing for the Paulin permit #11 91 65. The board members discussed the letter.

William Jakubowski made the motion not to re-open the applicants appeal but to accept an application for a variance for the directional signage. David Mance seconded. Motion carried unanimously 7-0-0.

- C. Permit # 11 91 27: Letter from Trevor Mance withdrawing application for composting facility.

David Mance left the table.

The DRB received a letter from Trevor Mance dated October 25, 2011 stating that he has withdrawn his application.

4. **New Business:**

Dave Mance left the table.

Permit # 11 91 89: Virginia Burstene, Owner, Property ID: 03 02 09 and 03 02 23, located at 5673 East Rd. RR80, Section 4.1. Preliminary Sketch Review of subdivision of 2 adjacent lots to 4 lots, per 3.6 of Bylaws.

Chris Heins stated that a permit has been filed for septic and water. The application will be amended to show two subdivisions not one due to the Town Road (East Rd.) already dividing the parcels.

Curb cut permits applied for one curb cut and one improvement on an existing one.

Chris Heins will check that all structures are shown in the plans. Chris will revise the list of adjacent property owners. Chris Heins will add more detail to the plans and change the scale on lot 3.

William Jakubowski made the motion to accept the 1-200 scale for lot 3. Bob Holmes seconded. Motion carried 6-0-0.

Karen Mellinger voiced her concern about the curb cut locations.

William Jakubowski made the motion to close the Preliminary Sketch Review and schedule the Preliminary/Final Review for December 7th. Bob Holmes seconded. Motion carried 6-0-0.

Dave Mance returned to the table.

5. **Curb Cut**: Permits 11 91 80 and 11 91 81: related to subdivision in #4. The board noted that it was premature to look at curb cuts at this time.

6. **Other Business:** Budget- Review and Adopt for 2012/13

The Board agreed to increase the professional services item from \$1,000 to \$2,000 due to impending litigation. The Board discussed the advertising and legal posting item and agreed to keep the budget at \$1,000.

There is a workshop for Municipal Technology on December 7th in Montpelier.

7. **Minutes:** September 21st, October 5th, and October 19, 2011.

Chris Ponessi made the motion to approve the minutes for September 21, 2011. Gary Burgess seconded. Motion carried 4-0-3. (Dave Mance, William Jakubowski, and Bob Holmes abstaining)

Dave Mance made the motion to approve the minutes for October 5, 2011. Gary Burgess seconded. Motion carried 4-0-3. (Jake Jakubowski, Chris Ponessi, and Bob Holmes abstaining)

Dave Mance made the motion to approve the minutes for October 19, 2011. Bob Holmes seconded. The word draft is to be taken out of the heading. Motion carried 6-0-1. (Phylis Ponessi abstaining)

8. **Decisions to be signed:**

Permit # 11 91 24: Viola Myers, Owner, minor subdivision dividing one parcel into two parcels. Parcel ID: 7 20 45, at 4714 VT Route 7A. Decision was signed.

9. **Deliberative Session:**

Permit #09 87 66: Laurel Zinn, Owner, Property ID: 07 20 52. Matter resolved not subject to deliberative session.

William Jakubowski made the motion to enter deliberative session at 8:30pm. Chris Ponessi seconded. Dave Mance and Fritz Ludwig recused themselves from the session.

Permit # 11 91 28: Robin Tichnor, Owner, Property ID: 08 20 34.

A motion was made by Chris Ponessi at 8:55 PM to come out of deliberative session. It was seconded by William Jakubowski. The motion passed 5-0-0 (Fritz and Dave had recused themselves from the deliberative session).

Chris made a motion, seconded by Gary, to conditionally approve the Tichnor subdivision subject to all conditions and receipt of the proper copies of the plans is submitted for approval prior to issuance of the permit. The conditions are:

1. Remove the two sheds on lot 3 within 30 days of the signing of the plat.
2. Relocate the non-conforming shed on Lot 2 to conform to setback requirements prior to the submittal of the plan for signing. (Please note the plat will not be signed unless the shed has been relocated.)
3. The plat reflects appropriate deferral language that says "In order to maintain agricultural land, consideration should be given to cluster any proposed structures with those existing."

4. A curb cut approval is received.
5. Approval of the change of use of the barn has been received.

10. Adjournment

William Jakubowski made a motion at 9:05, seconded by Bob Holmes to adjourn the meeting. Motion passed 5-0-0.