

Shaftsbury Development Review Board  
To be held at the Shaftsbury Town Hall  
Buck Hill Rd at 7:00 pm  
Minutes for the Regular Meeting  
2/15/12

**Members Present:** Phylis Porio (Chair), Gary Burgess (Vice-Chair), Bob Holmes, Chris Ponessi

**Members Absent:** William Jakubowski, Fritz Ludwig, David Mance

**Others Present:** Jennifer Viereck (Zoning Administrator), Sandra Mangsen (Recording Clerk), Megan Donckers, Mike Foley, Michael Gardner, Kathleen Geneslaw, Mary Gronning, Tom Huncharek, Brian Lent, Karen Mellinger, Mary Beth Maguire, Trevor Mance, Barry Mayer, W. Pennebaker, Jay T. Palmer, Joanne M. Race, Mitchell R. Race, Jeri Schoof, Ron Schoof

**1. Call to Order**

Chair Phylis Porio called the meeting to order at 7:00 p.m.

**2. Conflict of Interest Statement:** There were none.

**3. Old Business:** 'Change in Conditional Use' Permit # 12-9213 requested by TAM, Inc for an increase in tonnage processed per year from 15,000 to 30,000, per Bylaw Section 3.5 and 3.6. parcel is #09 20 29.3, property of North Rd., LLC, located at North and Airport Rds. Zoning District: Industrial 2, Bylaw Section 6.4. This is continued from February 1, 2012.

Trevor Mance and Mary Beth Maguire responded to questions raised at the last meeting. An increase of twenty-two truck round trips per day is anticipated once the 30,000-ton level is reached. Trevor stated that TAM's trucks conform to EPA guidelines on emissions and noted that truck emissions are generally much lower than in the past.

The chair invited comments and questions from the public. In response to a request for clarification, the parcel under consideration was clearly specified (by lot number), and Trevor noted that no changes to buildings are contemplated as a result of the increase in tonnage processed. It was suggested that the increase in truck traffic as a result of TAM's increase in tonnage processed ought to be considered within the context of all traffic on Route 7A.

Jennifer Viereck responded to questions raised in a memorandum she had received from K Geneslaw and others, and then described observations she made during a recent, unannounced site visit to TAM. She noticed no problems with odor, dust, noise or emissions during that inspection. Gary Burgess noted in response to a request for clarification that such site visits are a normal part of the zoning administrator's position, as she must assure herself that an industry is operating in conformity with the relevant zoning bylaws.

In response to a question about anticipated activity on the south side of North Road, Trevor once again stated that no changes are being requested to the structures or activities already permitted on either side of the road.

There being no further questions or comments from members of the committee or the public in attendance, the hearing was closed.

**Motion: Bob Holmes moved close the hearing, seconded by Gary Burgess. Carried, 4-0-0.**

**Motion: Gary Burgess moved to take the matter into deliberative session for further discussion by the committee; Chris Ponessi seconded the motion. Carried, 4-0-0.**

4. **New Business:** None.

5. **Curb Cut:** None.

6. **Other Business:** None.

7. **Minutes:** February 1, 2012

**Motion: Chris Ponessi moved to approve the minutes as circulated; Bob Holmes seconded. Carried, 4-0-0.**

8. **Decisions to be signed:** #12-9211 Helm Lot Line Adjustment  
Phylis Porio signed the decision. The maps were not available.

9. **Executive Session:** Interview of applicant Megan Donckers, who has submitted a letter of interest with regard to a position as a DRB Alternate.

**Motion: At 7:50 p.m., Gary Burgess moved that the committee go into Executive Session, seconded by Bob Holmes. Carried, 4-0-0.**

**Motion: Bob Holmes made a motion, seconded by Gary Burgess, to close the Executive Session. Carried, 4-0-0.**

**Motion: Chris Ponessi made a motion, seconded by Bob Holmes, to recommend Megan Donckers to the Select Board for appointment as a DRB Alternate. Carried, 4-0-0.**

10. **Deliberative Session:**

**Motion: At 8:22 p.m., Chris Ponessi made a motion, seconded by Gary Burgess, to enter Deliberative session to discuss the TAM application. Carried, 4-0-0.**

**Motion: At 8:57 p.m., Gary Burgess made a motion, seconded by Chris Ponessi, to close the Deliberative session. Carried, 4-0-0.**

**Motion: Chris Ponessi made a motion, seconded by Bob Holmes, to approve the TAM Application with the conditions as discussed. Carried, 4-0-0.**

**The conditions are as follows:**

1. The relief sought by applicant is in accordance with the provisions of the Shaftsbury Town Zoning Bylaws, specifically those Sections hereinbefore set forth, and does not contravene the provisions of the Shaftsbury Town Plan.

2. The facility is conditionally approved upon receipt of all State and Federal Permits, and shall be limited to the processing of a maximum of thirty thousand (30,000) tons of waste per year under this decision. However, this limit shall be staged as follows:
  - a) At this time, TAM has a Host Town Agreement with the Town of Shaftsbury which currently limits the tonnage to 20,000 tons per year. Therefore, this decision shall limit the site to 20,000 tons until this agreement is altered.
  - b) At any time when the host Town agreement is increased above 20,000 tons, the facility may increase tonnage to the limits of the Host Town Agreement, however the facility may not increase above 30,000 tons.
3. TAM Inc. shall obtain all State and Federal permits required to increase the tonnage as specified above. At the time of receipt of all permits, TAM Inc. shall submit all permits to the Zoning Administrator for verification. At the time that all permits are verified, this decision shall become active.
4. It is required that water quality testing continue until a minimum of two (2) years past the overall tonnage limit (30,000) is reached, as long as all results show that no adverse impact is created by this site. If at this time all results prove that the site does not impact the water quality of the area, testing then would be able to be terminated.
5. No expansion of site infrastructure is permitted under this decision and shall not be permitted with an amendment application. This does not include any previously approved infrastructure, which may be constructed at any time.
6. TAM, Inc. shall maintain all local, State, and Federal Permits. At any time when any of these permits become invalid, than this approval shall become invalid.
7. All previously approved permit conditions shall remain in full force and affect, unless specifically altered in this decision. Therefore, all previous conditions, restrictions, or regulations are hereby made part of this decision.

## **11. Adjournment**

**Motion: At 9:03 p.m., Gary Burgess made a motion to adjourn the meeting. Carried, 4-0-0.**

Respectfully submitted,  
Sandra Mangsen (Recording Clerk)