

Shaftsbury Development Review Board
Shaftsbury Town Hall, 61 Buck Hill Road

January 2, 2013 at 7:00pm

Minutes

DRB members attending: Megan Donckers, Chair; David Mance; Tom Huncharek; Jennifer Viereck, Alternate

DRB members absent: Chris Ponessi, Vice- Chair

Others Attending: Tyler Yandow, Zoning Administrator, Charles Stewart, Mitchell Race, Joanne Race, Mike Foley, Ron Schoof, Chris Williams, John Tiffany, Jay Palmer, Owen & Kathy Beauchesne.

Called to Order - The Chairman called the meeting to order at 7:00 pm, acknowledged that a quorum was present, and led the Pledge of Allegiance. It was noted that the DRB recording Secretary was not present, and Jennifer Viereck offered to record the minutes. The meeting was also being recorded digitally by the Zoning Administrator.

Conflict of Interest – Jennifer will not participate in applicant interviews, as she is an applicant herself. Megan will not participate in Mike Foley’s interview, as she is a close friend.

Approval of Minutes – For December 19, 2012. David Mance was absent for this meeting. Without Chris Ponessi, there was no quorum or regular members to approve these Minutes.

Highway Access Ordinance – Discussion of Select Board draft of December 16, 2012. Tyler and Jennifer noted that they wanted to hear Chris Ponessi’s recommended changes. Megan will check with him before submitting DRB comments to the Select Board. David Mance made the following recommendations:

- I c. - adding “proposed town roads” to this section.
- II a. - adding Trails (Class 4 roads) to this section.
- V 2-5 - adding specific distances for the required inclusions of items such as culverts and other driveways in the sketches, for example, equal to the line of sight distances of 150-200 feet.
- V 6 – correcting ‘typography’ to topography.
- Replacing ‘slope’ throughout document with correct term ‘grade’.
- VIII b. – Depth of large gravel required may be excessive if a customary top layer of finer material is added.

Interviews for open Board seats: Jennifer will not participate in applicant interviews. Megan left the table for Mike Foley’s interview, as she is a close friend. With Megan (Chair) and Chris (Vice-Chair) not participating, Megan appointed Tom to chair the first interview.

1. Interview with Michael Foley

- ⌚ David- Reason for application: few other qualified applicants, attends many DRB meetings anyway, felt able to serve. Has served on Environmental Review Committee, although it rarely meets.
- ⌚ David- Relationship between Town Bylaw and Town Plan in DRB reviews: Town Plan is very important but more vague; Bylaw more specific for specific building projects.
- ⌚ David- If a project meets Bylaw requirements, but violates Town Plan? Would review both, and application, and hear testimony of others before forming own opinion, as just one of five on the board.

At this point, Tom noted that a quorum of the DRB was not present, and the interview was continued until the 1/16/13 meeting.

2. Ron Schoof Interview

- ⌚ David- Reason for application: He is retired. Something to do on Wednesday nights.
- ⌚ Megan- Do you think showing up is all we do? Ron: Review Site Plans, that's about it.
- ⌚ David- If a project meets Bylaw requirements, but violates Town Plan? Would look over the Town Plan.
- ⌚ Megan- Are you familiar with the Town Bylaw? No.
- ⌚ Megan- Did you read any materials or prepare for this interview? No.
- ⌚ Megan- Do you have any questions for us? No.
- ⌚ Tom had no questions.

PUBLIC HEARING – Permit # 12-9334 (Old permits # 12-8922 through 12-8934 inclusive) Hale Mountain Rod & Gun Club, Rod & Gun Club Road, Site Development Plan Review.

All DRB members had completed a site visit. Questions about the site included further discussion about the purpose of the siding on parts of the rifle range, which buildings had electrical service, the distance to property line for the caretakers trailer, whether firearms are stored on the property and where, security measures, and screening process for new applicants to the club. It was verified that the new Site Development Plan correctly indicates the three items required at the previous meeting: exterior lighting on the garage and clubhouse, the caretaker trailer driveway, and the North Bennington water easement.

Owen Beauchesne, an Interested Party, had questions about what the Site Plan was actually covering, and what the DRB review used as criteria. He pointed out that the west end of the rifle range structure was used for high-powered rifles for the longest range. He was concerned about the Lake Paran/Paran Creek Watershed, requested that it be delineated on the Site Plan, as well as what buildings and waste disposal was within that watershed. He also requested that testing be conducted to determine possible contaminants, but was told by the board that such testing is outside the purview of Site Plan Review. He asked that submission of any past tests for contaminants be made attachments to the Site Plan Review application. He also stated that there were three culverts on the property, not just one, and asked that all be shown correctly on the Site Plan. The board will take his requests into consideration.

John Tiffany, representing the Hale Mountain Fish and Game Club, stated that everything is in some watershed, and that many other properties and structures are in the Lake Paran/Paran

Creek Watershed.

Jennifer Viereck asked the Zoning Administrator about whether the fee for this application should be doubled or not, since it is a retroactive application for improvements done in the past. This has been insisted on by the DRB for other applicants, and is part of the instructions. David Mance stated that this issue had been dealt with in the past at great length with the original building permits with previous Zoning Administrators, and could be found in the file. Owen Beauchesne asked that the DRB follow up on this question.

Mike Foley had questions about the acreage under consideration for this application, and other questions about forms and Site Plan Review. John Tiffany responded to his questions about acreage.

Tyler Yandow, Zoning Administrator, brought up questions about what criteria will be used for review, specifically about Bylaw item 3.6.1.1. Megan will ask the Town Attorney for further clarification on consideration of watershed issues and other Review Criteria under 3.6. Jennifer Viereck suggested asking him to attend the next hearing so as to avoid further postponements.

Tom Huncharek made a motion, seconded by David Mance, to continue this hearing until February 6th. The motion passed unanimously.

Discussion of Rules of Procedure (continued from Dec. 19, 2012)

Megan Donckers presented a new revision of the Procedures Manual, which included most of Jennifer Viereck's recommendations and language about Alternates. The board reviewed section by section, and some additional edits were made. The section on Site Visits from the current manual will replace that section in the new one, and the section on Rules of Evidence will also be added. Megan will present a final revision on February 6th for approval.

Other Business

The next meeting will begin an hour earlier to accommodate the VLCT Training – Jan. 16th 6pm-8pm. No hearings are scheduled, but interviews of the three remaining DRB applicants (Kathy Geneslaw, Jay Palmer and Mike Foley) will follow the training at 8 pm.

Adjourn

David Mance made a motion, seconded by Tom Huncharek, to adjourn the meeting at 8:52 pm.