

Shaftsbury Development Review Board
April 4, 2018

1. The meeting came to order at 7:01 pm. Present were board members Tom Huncharek (chair), Chris Ponessi, Michael Day, and Michael Bidy. Zoning administrator Shelly Stiles was also present.
2. No one reported a conflict of interest with anything on the agenda.
3. Mr. Huncharek moved to approve the March 21 2018 minutes. Mr. Bidy seconded the motion, which passed 4-0-0.
4. Mr. Ponessi moved to approve application 18-9944, boundary line adjustment parcels 08 20 50 and 08 20 48, owners King and Faiella, resubmitted. Mr. Day seconded the motion, which passed 4-0-0. Mr. Huncharek signed the permit and the mylar.
5. Application #18-9940, parcel 17-21-11, 983 VT Route 7A, owners Green and Green; conditional use permit for an additional fuel trucking parking space in a V district (formerly VC).

The applicant submitted a letter from the fire chief stating the additional space would cause no problems for the fire department.

The applicants explained their request: a space on the west side of the building. The noted however that the nose of a truck so parked would sit inside the setback area on the south side of the building, next door to Mr. Peter Cross's apartment building and only 3 or 4 feet from that property line. Mr. Cross said and submitted a letter stating he had no problem with the truck sitting inside the setback zone. The zoning administrator said she'd received a call from abutter Ellen Quigley, who said that there are always 2 or 3 personal vehicles, 2 trucks, and a van in the parking lot. The cars spill out on 7A. She said "I object to it. If the truck is placed behind the building, that wouldn't be so bad." The Greens said some of the cars are non-customers pulling over in the right of way. Others are visitors stopping by for morning coffee. Karey Green said traffic on 7A will always be a problem at that site. She noted that the truck has to be on commercial property, and that power is needed for winter plug-in. Mr. Bidy asked about parking some of the cars next door on the lot owned by Secor. The existing situation on the property is a safety issue. Mr. Green Jr. said he would ask Mr. Secor, but it would only be a temporary fix. He said no trees, just honeysuckle bushes, will be taken down for the new parking site. Mr. Bidy pointed out there are two issues: an amendment to the permit, and a variance request. The applicant must come back with a variance request, duly warned.

Mr. Huncharek moved to close hearing 18-9940. Mr. Ponessi seconded the motion which passed 4-0-0. Mr. Huncharek described the next steps: the requirement that the board make a decision in 45 days, and that after the decision is made an appeal can be filed within 15 days. The board told the applicants that they may continue parking the second truck on site until the matter is closed; with application 18-9940 they have responded fully and satisfactorily to the zoning administrator's warning letter.

Mr. Ponessi noted that the Rules and Procedures allow the board to publicly review an application and vote on it; that private deliberation is only required if a member calls for a vote. Board members publicly discussed the application. Mr. Huncharek expressed concern that an additional truck is a safety issue. Mr. Ponessi said that if the new truck were parked on the west side of the building in what is now an empty space it wouldn't further complicate the parking issue. Mr. Bidy said the non-truck vehicles are the issue. The Board could limit the number of vehicles allowed. They are all now in the right of way though not in the roadway.

Conditions were discussed. The final list consisted of:

- Parking should be for employees and customers only. For now, only 1 fuel truck and 2 normal size vehicles are allowed.
- At least 12” minimum bank run gravel shall be placed in the new space if it is approved.
- The existing parking area must be resurfaced with bank run or crushed gravel and the parking spaces clearly delineated.
- A “no parking” sign shall be placed where the site plan shows a water valve location.
- Should the variance request be approved, an 8’ length of split rail fence shall be installed and 3 arborvitae plants shall be planted.
- The variance request must be approved.
- A letter from the police stating no undue negative impacts will be created by the additional truck must be submitted.

Mr. Huncharek moved to approve application 18-9940 with the conditions as captured in the meeting minutes (above). Mr. Ponessi seconded the motion, which passed 4-0-0.

Mr. Ponessi moved to nominate Mr. Huncharek as chairman. Mr. Biddy seconded the motion, which passed 4-0-0. Mr. Huncharek moved to nominate Mr. Ponessi as chairman. Mr. Day seconded the motion, which passed 4-0-0.

The April 18 meeting was cancelled for lack of business to conduct.

Mr. Biddy moved to adjourn at 8:15 p.m. Mr. Ponessi seconded the motion, which passed by acclamation.

Notes by ZA Stiles.