

## Shaftsbury Development Review Board

May 17, 2023

In person at Cole Hall and remotely via Zoom

1. Call to Order – Recognition of Quorum

The meeting came to order at 6:03 p.m. Present were board members Mike Day (chair, attending via Zoom), Tedd Habberfield, Zoe Contros Kearn, and Denny Browe. Also present was zoning administrator Shelly Stiles.

2. Conflict of Interest

No one reported a conflict of interest with any item on the agenda.

3. Sign in sheets

Sign in sheets were passed around to Jeff Miller, applicant, and James Gulley, abutter, attending in person. Mr. Miller, Mr. Gulley, and applicant Mr. Thurman all took the oath of testimony, the latter via Zoom.

4. Approval of Minutes – March 1, 2017

Mr. Habberfield moved to approve the minutes. Mr. Browe seconded the motion. An error was noted in the record of a vote on the February minutes. It should read 3-0-2 rather than 3-0-0. The motion to approve the minutes as amended passed 4-0-0.

5. Application #23-0036, parcel 17 22 70, 743 Town Line Road, Shaftsbury, VT 05262, owners Jeffrey Miller and Todd Thurman, for a home occupation (making candles) in an existing 898 s.f. barn.

Mr. Miller described their proposed home occupation. For the first year, only he and Mr. Thurman would work on the candles. They hoped to hire up to two employees eventually. There will be no retail on site. Shipping will be organized via Shopify and other venues. The candle vessels are made by Vermont Pottery Company. The wax is poured with a professional pouring machine using a computer controlled wand. The company Free Yourself is helping them initiate the project. They hope to someday have a brick and mortar store perhaps in Bennington. Mr. Miller shared an abutters statement with members of the board.

Mr. Day queried Mr. Miller regarding the requirements of bylaw section 4.2.2.f.

- There will be no outdoor storage. They will use the barn basement if necessary.
- There will be a maximum of two employees sometime in the future.
- The proposed home occupation is secondary to the use of the dwelling.
- The barn is 898 s.f. No space in the primary dwelling will be used for the business. The existing building meets zoning setback requirements.
- There will be no signs.
- There will be no “shopping hours,” no on-site retail. All sales will be via computer only.
- Parking is not an issue.

All board members agreed that a formal site plan review was unnecessary and that conditional use review was not required.

Mr. Miller said they will have full insurance for every detail. They will purchase used equipment, and the sellers will train the applicants in their use.

Mr. Miller said the candle machine is a \$27,000 model, about 3' x 5' in size, elevated on wheels. The barn floor is concrete. The machine will hold up to 150 pounds of wax based on soy and coconut oils with a little paraffin for soundness in warm conditions such as USPS delivery truck in a warm climate. All products used will be vegan. They will use no polycyclic musks.

Each candle vessel holds about 10 ounces of wax. Vessels and waxes are all tested for regulatory purposes. Maximum temperature for the wax machine is 180 degrees although the wax pours at a much lower temperature. (Mr. Habberfield went online to learn that the flash point of soy oil is 265 degrees.)

All electricity in the barn has been inspected. They will install fire extinguishers. The former owner installed an extensive ventilation system. Exit indicators will be installed. The pouring machine has an automatic shut-off valve.

Packaging will come made to size. There will be very little waste product.

Mr. Gulley expressed concern over traffic and dust. He said both he and his wife use oxygen tanks. He asked how truck traffic is to be controlled.

Mr. Miller said they bought the property to be a home for them, their son, and his mother. They had a vacation home on a busy road in Jacksonville VT for many years and the traffic there "ate at him." They will pick up most of their supplies, including wax from Greenfield MA and vessels from Woodstock VT and deliver most of their product to a mail, USPS, Fed Ex or other drop off point.

They hope to expand in the future but will do so from a different location. They hope to establish a "brand."

Mr. Thurman said they want no change to come to Town Line Road.

Mr. Habberfield moved to close the hearing. Mr. Browe seconded the motion, which passed 4-0-0.

Mr. Day explained that no further testimony could be taken. He said the DRB would issue a finding within 45 days or the application is automatically approved. He noted that any interested party may appeal to the Environmental Court with 15 days of the issuing of the finding.

## 6. Other business

Ms. Stiles reported two applications are on the schedule for the June 7 meeting. All board members attending said they would be able to make that meeting.

Mr. Habberfield moved to enter private deliberative session on application #23-0036. Mr. Browe seconded the motion, which passed 4-0-0. Ms. Contros Kearl moved to leave deliberative session. Mr. Habberfield seconded the motion, which passed 4-0-0.

Mr. Habberfield moved to approve the application with the following conditions:

- 1) only candles (that is, no ointments or other products) shall be made;
- 2) the owners have agreed to and will maximize the use of their personal vehicles to pick up supplies and deliver products related to their business.

Ms. Control Kearl seconded the motion, which passed 4-0-0.

The meeting adjourned by acclamation at 7:15 p.m.

Notes by ZA Stiles.