

**Town of Shaftsbury
Selectboard Meeting
6:30 PM
Monday, December 5, 2016
Cole Hall, 61 Buck Hill Road, Shaftsbury
DRAFT**

Selectboard Members Present: Tim Scoggins (Chair), Art Whitman, Tony Krulikowski, Ken Harrington

Selectboard Member Absent: Mitch Race

TA Present: David Kiernan

Others Present: Alice Miller, Chris Williams, Jim Sullivan, Doris Korman, Karl Korman, Holly Behan, David Mance, Ed Corey, Michael Foley

1. Call to Order

Tim Scoggins (Chair) called the meeting to order at 6:31PM.

2. Conflict of Interest Statement

None

3. Announcements

Elected Positions in Town Government Voted on March 2017:

- a. Town Clerk
- b. Auditor 3 year term
- c. Auditor
- d. Selectman Position Two
- e. Town Moderator
- f. Delinquent Tax collector
- g. Lister
- h. Grand Juror
- i. Trustee of Public Funds

Appointed Positions Open:

- j. DRB Alternate
- k. Planning Commission Two

School Board two positions to be voted on March 2017

4. Public Comments

Ed Corey presented the Board with a site plan he drew for the Town Garage to be placed on property the Town would buy to the North of the current garage. Mr. Corey then spoke on the retirement of the Town Clerk.

Jenny Rosilio from the Park McColough Library made a presentation in support of the Library Community Appropriation request.

5. Treasurers Report

Melanie Dexter reports that if taxes have not been paid by now they are delinquent. A number of checks are being sent out due to overpayments.

6. Approval of Minutes

Motion: Tony Krulikowski moved to approve the Meeting Minutes from November 21, 2016. Art Whitman seconded. One typo corrected.

3-0-1 Motion approved.

7. Warrants

Retirement Warrant #11 for \$156.70. Motion by Krulikowski, second by Whitman.
Motion approved 4-0-0

Payroll Warrant #11 for \$24,272.84. Motion by Krulikowski, seconded by Whitman.
Motion approved 4-0-0

Check Warrant # 14 for \$18,490.29. Motion by Krulikowski, seconded by Whitman.
Approved 4-0-0

Check Warrant #15 for \$179,796.31. Motion by Krulikowski, seconded by Whitman.
Approved 4-0-0.

8. Public Hearing Shaftsbury Zoning Bylaw Changes

Motion to open public meeting on Shaftsbury Zoning Bylaw Changes by Mr. Krulikowski, seconded by Mr. Whitman. Approved 4-0-0.

Mr. Scoggins provided a summation of the work done over the last several months by the Planning Commission and the BCRC.

To present the changes in the bylaw Mr. Scoggins reviewed the letter from Planning Commission Chair Chris Williams sent to the Selectboard. The public and representatives of the Planning Commission and BCRC were invited to comment. The letter is attached to and part of these minutes.

VILLAGE COMMERCIAL DISTRICT

Mr. Carl Korman questioned how the new procedures were materially different than the old procedures. Mr. Williams stated that common contracts were contingent on local zoning approval.

Mr. Korman questioned who would be responsible for submitting the required documents, the potential buyer or the current landowner. Mr. David Mance of the Planning Commission stated that the applicant can be the one who submits the documents. Mr. Mance further explained that the changes removed the need for some conditional use permits. The site plan required addresses items such as setbacks and adequate parking.

Mr. Korman whether the DRB would give standing to a potential landowner. Mr. Sullivan of the BCRC stated that it is not uncommon for the current property owner to sign off on applications so that the potential owner can have approvals before closing.

VILLAGE CENTER DISTRICT

Mr. Scoggins explains that two small commercial districts are being combined into one Village Center District. This new district will include conditional uses for retail stores, funeral establishments and restaurants. Mr. Scoggins stated that there was not complete agreement on the Planning Commission but that the Selectboard wanted a better opportunity for commercial development in the town center. Doris Korman questioned whether the real obstacle to development was the lack of a sewage system. Mr. Scoggins stated that a sewage system is not an expense the Town can bear at this time. A developer might be able to purchase two or more lots for a bigger septic field.

NONCONFORMING USES

Mr. Sullivan of BCRC explains the changes to non-conforming buildings and lots was to clarify existing regulations.

SITE PLAN REQUIREMENTS

Mr. Scoggins reports that site plans prepared by licensed professionals be required when major changes are proposed. Mr. Whitman questioned what was the difference between major and minor changes? Mr. Mance stated that there would be certain flexibility that would be up to the Zoning Administrator to decide. Mr. Korman questioned the vagueness of allowing the ZA to determine major/minor without guidelines. Mr. Scoggins stated that the desire was not to make site plans required for minimal changes and that would have to be determined by the ZA. Mr. Korman suggested a number of defining factors that could be used to determine minor/major. Chris Williams explained that residential construction does not require site plan review. Site plan review is required for commercial and industrial uses which are major changes and that in the past incomplete plans had been presented.

Chris Williams in summation states that the theme of these bylaw changes is economic development. Some rules have been relaxed in the various commercial districts. The other theme is restraint. There is no radical changing in overall zoning.

Mr. Whitman questioned whether anyone believed that any part should be split off from the whole package for a separate vote. Mr. Sullivan stated that it was important for these to go through because of the confusing state of the current bylaws. No one spoke to splitting any part of the bylaw off for a separate vote.

Mr. Korman stated that this was a good start but if we really wanted development and revitalized than the people of the Town need to be open to investment in the Town such as a sewage system in the Village.

Mr. Harrington questioned section 8.5, Extraction of Earth Resources, specifically sites that have not been operated in two consecutive years must be re-permitted. Mr. Mance clarified that section 8.5 was not changed with these revisions. Mr. Harrington believed it should not be in the bylaws. Mr. Williams verified that the section had been in the bylaws for at least 15 years. Mr. Scoggins pointed out that these bylaws cannot be changed at this point if the change was determined major. A major change would require a start of a whole new process. It was determined that this issue would be investigated further before any decision was made.

Motion to close Public Hearing by Mr. Whitman, seconded by Mr. Harrington.
Approved 4-0-0.

9. Proposed Town Garage and Transfer Station

Discussion of the high cost of the site work included in the MSK plan. It included the garage and the transfer station. For a better comparison the transfer station was listed separately. Currently it is estimated that an \$800,000 bond would need to be acquired to finance the garage only, not including the transfer station.

Art Whitman spoke on investigating TAM moving the transfer station to their property at their expense. The operation of the transfer station would still be the responsibility of the Town. It was decided that continued conversations with TAM would take place about the potential for moving the transfer station.

10. Other Business

Letter from law firm that they will be destroying all records over 20 years old unless the Town wanted to take possession. Mr. Whitman makes the motion that we allow the Towns Attorney to destroy their records regarding Shaftsbury prior to 1997. Seconded by Mr. Whitman. Approved 4-0-0.

Board presented extension of the TAM Host Town Tax. The original agreement is expiring. Both parties want an extension of the original agreement to June 30, 2017. Item to be voted on December 19, 2016.

11. Road Foreman Report

Report presented David Kiernan. All trucks were up and operating for today's snow storm. Tony Myers is rehired as a temporary driver. Residents are reminded to call the State Police for trees or wires down in the roadway. Do Not leave a message of a dangerous condition on the Highway Hotline.

12. Adjournment

Motion: Art Whitman moved to adjourn at 857PM. Ken Harrington seconded.

4-0-0 Motion approved.

To: Shaftsbury Selectboard
From: Chris Williams, Shaftsbury Planning Commission chair
Date: November 1, 2016
Subject: revision of Zoning Bylaws

As you know the Planning Commission has been awarded a Municipal Planning Grant with the Bennington County Regional Commission serving as consultant to revise our bylaws. Our purpose in undertaking this has been to eliminate contradictions in regulations, to make the language less legalistic and easier for the average citizen to understand and to bring our land use regulations into alignment with State statutes. Zoning was originally enacted in Shaftsbury in 1980. The Bylaws have been revised piecemeal and amended since then but no comprehensive review has been conducted to determine if regulations adopted thirty-six years ago still serve the Town well in a much changed environment. This we are also attempting to do.

Public attendance and input at our meetings has been just about zero. Since the bylaw revision is likely to be a significant issue at Town Meeting 2017, we present this memo to get your input in the process and to raise the public visibility of the issue. Proposed significant changes to the bylaw are as follows:

- Recreation Zone overlay along Route 7A has been deleted to streamline regulations. Allowed uses have been incorporated into Roadside Commercial District.
- Shoreline District has been deleted because State statutes govern and because all land in this district is either State owned or privately conserved.
- Village Commercial District has been renamed Village Center District. Along with Village Residential, this envisions the Village as a high density, mixed use district that is the site of much of the Town infrastructure. Setbacks for commercial uses have been reduced for front yard from 30 feet to five feet, for side yard from fifteen feet to ten feet and rear yard from thirty feet to ten feet. This is because so few of our commercial buildings comply. Conditional Use has been changed in many instances to Permitted Use with Site Plan Review in the Village Commercial District. This will reduce the uncertainty faced by property buyers who want to open a business but currently cannot know if their business is permitted until they buy the property and apply to the DRB.
- The proposal for the Village Center District involves combining the two small commercial districts into a single district. Commercial uses will be subject to site plan review by the DRB. Retail stores, funeral establishments and restaurants are conditional uses subject to approval by the DRB.
- Regulations of telecommunications structures (cell towers, etc.) have been deleted. State regulations govern.
- Conditional uses in Roadside Commercial District have been expanded to include restaurants.
- Permitted uses in Forest and Recreation District have been expanded to include "commercial or non-commercial facilities supporting non-motorized low-impact dispersed recreational activities suitable to the forest environment".
- To better describe nonconforming situations, a section on Nonconforming Structures has been added to compliment the present Nonconforming Uses.
- Because owner drawn site plans have been so inaccurate and incomplete in the past, the bylaw now requires they be prepared by a "licensed design professional" when major changes are proposed. Minor changes are exempt from this requirement.
- Metal plating, solid waste and hazardous waste management facilities have been deleted as conditional uses in the Commercial/Industrial District. It was felt that these high impact uses are not suitable to the high visibility area along Route 7A and Airport Road.
- Mixed uses such as a store with a residence have never been dealt with by the bylaw. Under the proposed revision such uses would not require addition lot area in the Village Center but would in Rural districts.
- The Paran Acres subdivision is proposed to be rezoned from present Rural Residential (RR-40) to Village Residential because the majority of the properties do not meet lot size requirements. This will expand the present VR district on the edge of North Bennington village.
- On the advice of the town attorney, the sign ordinance is changed to clarify that internally illuminated and self-illuminated signs are prohibited.