

Shaftsbury Development Review Board
To be held at the Shaftsbury Town Hall
Buck Hill Rd at 7:00 pm
DRAFT Minutes for the Regular Meeting
10/19/11

Members Present: Gary Burgess (Vice-Chair), Bob Holmes, David Mance, Chris Ponessi, Fritz Ludwig, Jake Jakubowski

Members Absent: Phylis Porio

Others Present: Jennifer Viereck (Zoning Administrator and substitute Recording Clerk), Kathleen Hollis, Christopher Hollis, Paul Greineder, Jeri Schoof, Mary Gronning, Jason Dolmetch, Jay Palmer, Joanne M. Race, Kathleen Geneslaw, Robert Geneslaw

1. Vice-Chair Gary Burgess called the meeting to order at 7:05 pm.
2. Conflict of Interest Statement
 - A. Dave Mance and Fritz Ludwig stated that they had a conflict with item 3A.
 - B. Chris Ponessi stated that he had a conflict with item 3B.
3. Old Business:
 - A. Permit # 11 91 28: Robin Tichnor, Owner, Property ID: 08 20 34, Minor subdivision of 12.18 acres. RR80, Section 4.1. This property is located at 453 West Mountain Road. Site Development Preliminary/Final plan per 3.6 of the Town's Bylaws. Continued from the August 31 meeting, due to a lack of a quorum that could take action at the October 5th meeting.

The Tichnor Final Plan hearing was reopened. Dave Mance and Fritz Ludwig left the room. Jason Dolmetch of MSK Engineering was available to answer questions from the board. Items requested before the next hearing included:

- i. including all buildings on the property on the Site Plan,
- ii. providing proof of farm use or permitted accessory use of buildings,
- iii. widening driveway entrance to town right of way to accommodate 2 vehicles to at least 20 feet, for at least 30 feet in length,
- iv. showing building envelope on Lot 2 on Site Plan,
- v. consulting with state on wetlands impacts of parking area in NE corner,
- vi. providing curb cut application for parking area,
- vii. providing a change of use permit for the conversion of a barn to residential use.

Jake made a motion, seconded by Bob, to continue to Tichnor Subdivision hearing until November 2, 2011. All in favor, 4-0-0. Dave Mance and Fritz Ludwig rejoined the meeting.

- B. Permit # 11 91 24: Viola Myers, Owner, applying for minor subdivision dividing one parcel into two parcels. Parcel ID: 7 20 45, Lot A 18 ac, Lot B 36.7 ac. This property is located at 4714 VT Route 7A. Site Development Plan Bylaw 3.6; Preliminary/Final Sketch Plan Review. Continued from the June 15th meeting.

The hearing was opened, and Chris Ponessi left the room. Paul Greineder presented information for the applicant, including proof of warning to all abutters and emergency service providers, utilities and utility easements, contours and dimensions of boundaries, deferral language for Parcel #2, and deed maintenance agreement. The board requested that Paul change the words "Planning Commission" to "Development Review Board" on the final Mylar when submitted.

Dave made a motion, seconded by Fritz, to close the hearing and continue it to Deliberative Session. All in favor 5-0-0. Chris Ponessi rejoined the group.

4. New Business: None.
5. Curb Cut: None.
6. Other Business: Zoning Administrator Jennifer Viereck brought 2 items to the board's attention.
 - A. A new Materials List form to be used to keep a written record at hearings and inform applicants of what the board requires them to provide prior to the next hearing. Copies will be provided to the applicant, DRB Chair, and Zoning Administrator at the close of each hearing. Dave provided minor amended language.
 - B. A letter from an attorney on behalf of Arthur Paulin, asking for a reopening of his Zoning Permit Appeal #11-91-65 hearing for discussion of additional information. After much discussion, the board directed Jennifer to seek an opinion from Shaftsbury's attorney Rob Woolmington on whether this letter requires action from the board, such as reopening the hearing as requested, or accepting a new application for a variance.
7. Decisions to be signed: Jake provided amended language to correctly reflect the motion as decided in deliberative session on October 5, 2011, and the Wright decision was signed by Vice Chair Gary Burgess. The decision denies the application pursuant to 6.4.2.2, which classifies assembly of building materials as industrial and therefore not an acceptable use of Roadside Commercial zoned property. While there is a need for economic development in Shaftsbury, the DRB encourages the applicant to seek space in an appropriately zoned area.
8. Minutes: Jake made a motion, seconded by Chris to accept the August 31 Minutes as written. All in favor, 4-0-2, with Dave and Fritz abstaining, as they were not present.
9. Deliberative Session: at 8:15, Dave made a motion, seconded by Jake, to enter into deliberative session. Chris Ponessi left the meeting, as he was recused from both matters.

At 8:42, Fritz made a motion, seconded by Bob, to close Deliberative Session and reopen the meeting.

Permit # 09 87 66, Continued from 9/7/11, Laurel Zinn, Owner, Property ID: 07 20 52. Jake made a motion, seconded by Dave, to approve the accessory apartment for Laurel Zinn of 320 Hidden Valley Road, upon the applicant securing a Zoning Permit to legalize

the change of use of the two car garage to a living space as shown on the Listers Card submitted by the applicant. All in favor 5-0-0.

Viola Myers subdivision (see item 3 B above). Dave made a motion, seconded by Fritz, to approve the 2 lot subdivision proposed by Viola Myers, provided that final Plat has changed the words "Planning Commission" to "Development Review Board" when submitted. All in favor 5-0-0.

10. At 8:54, Jake made a motion, seconded by Fritz, to adjourn the meeting. All in favor 5-0-0.

Respectfully submitted,

Jennifer O. Viereck