

**Shaftsbury Development Review Board
Minutes of the Meeting Held December 2, 2015**

- 1) 7:01 p.m. The meeting was called to order by Mr. Huncharek. Present were board member Michael Bidy and alternates Michael Day and Jay Palmer. Mr. Day and Mr. Palmer were called to the table. Ms. Donckers and Mr. Ponessi were absent. ZA Shelly Stiles also attended.
- 2) Conflicts of interest: there were none.
- 3) A sign in sheet was passed around and were signed by Ken Harrington, Valerie Shemeth, R.C. Shemeth, Ray Bolton, Sarah Sanfilippo, Scott Sanfilippo, Tim Scoggins, and Chris Williams. Additionally, Ms. Shemeth and Mr. Sanfilippo signed "Interested Persons Oral Testimony Oath."
- 4) Approval of November 4, 2015 minutes. Mr. Day moved to approve the minutes. Mr. Palmer seconded the motion, which passed 4-0.

5) Application #15-9619

The Chair explained the hearing process.

The Chair asked for a signed statement of service. The applicant had not prepared one but did so and signed a statement that she had notified all the abutters.

Mr. Bolton identified himself as Ms. Shemeth's advisor, should she need his services. He said no new construction is proposed, and that there would therefore be no undue adverse effects as discussed in Bylaw 3.5.

Ms. Shemeth described her vision for two upstairs apartments, and on the ground floor an antique store and a wholesale food/catering business in the back room, to be run by Mr. Sanfilippo.

Mr. Sanfilippo described his cooking background and explained that he would not serve food to be eaten on site but lasagna platters, pastas, raviolis, and Vermont specialty products for use off site instead.

Ms. Shemeth said she envisioned the number of employees on the ground floor as 2-3 for Mr. Sanfilippo's operation and one for the antique store.

The number of needed and available parking spaces were discussed. Mr. Bolton shared language from the deed indicating that an easement for parking 20' x 20' in size on Route 7A exists. Mr. Bolton said new parking requirements are likely to be less than those for the former country store. Ms. Shemeth noted that the tenants could use a driveway adjacent to the structure.

Mr. Bolton pointed out that the property has a new septic system. Ms. Shemeth reported that the propane had been tested, and that the hardwired fire alarm system had been inspected. She shared a letter from Sergeant Brian Turner of the VT State Police stating that, because of the new speed limit, concerns of backing out are much lessened.

A discussion of the applicability of Bylaw 7.1.1.4 followed. Mr. Williams in the audience said the use is not nonconforming though the lot may be. A motion was made by Mr. Bidy, seconded by Mr. Palmer, to recess the hearing to secure advice from Town counsel regarding discontinuance, abandonment, and non conformity. The motion was postponed 4-0, after which the DRB discussed Bylaw sections 7.1.1-7.1.6. The motion was voted on, and failed 0-4.

The board asked the applicant to review 7.3.1.0, parking, for guidance in providing DRB with information, and asked the applicant to provide a site plan per 3.6. Mr. Day moved to recess the hearing to December 16. Mr. Palmer seconded the motion, which passed 4-0.

6) Other business

Mr. Williams asked the DRB for feedback on which pieces of the land regulations they struggle with, to help the PC revise the bylaws. A page of comments, he said, would be great. Mr. Bidy noted there is no 3.7, though it is referenced. Mr. Day noted there is too much cross-referencing, we need a revision history, and a "page x of x" annotation.

Ms. Stiles explained that TAM had been monitoring wells for contaminants for eight years, during which no contaminants were found. She wondered if the DRB should accept the hydrogeologist's recommendation that the monitoring plan be revised to reflect these negative findings. It was agreed that Mr. Mance, owner of TAM, must submit an application to which the DRB could respond.

Mr. Huncharek moved to adjourn the meeting at 9.25 pm. Mr. Day seconded the motion, which passed by acclamation.

Minutes by ZA Shelly Stiles