

Shaftsbury Development Review Board
May 2, 2018

The meeting came to order at 7:03 pm. Present were commissioners Tom Huncharek (chair), Chris Ponessi, Michael Day, and Michael Bidy. Also present was zoning administrator Shelly Stiles.

No conflicts of interest were reported.

Sign in sheets were completed by citizens present.

Mr. Huncharek moved to approve the April 4 2018 minutes. Mr. Day seconded the motion, which passed 4-0-0.

Application #18-9955. Parcel 17 21 11, 983 VT Route 7A, variance request. Michael Green Jr. explained that a variance was needed to permit them to park a second oil truck on the west side of their building. The trucks parked would be about 3' from the southern property line. The required setback is 10'.

Mr. Huncharek read the conditions from the permit drafted (but not yet executed) following the March 21 hearing on a conditional use permit for an additional fuel truck parking space in a VC district. They were

1. Parking should be for employees and customers only. For now, only 1 fuel truck and 2 normal size vehicles are allowed.
2. A 12' minimum urban run gravel space on the west side is approved.
3. The existing parking area must be resurfaced with bank run or crushed gravel and the parking spaces clearly delineated.
4. A parking sign shall be placed where the plan shows a water location.
5. Should the variance request be approved, an 8' high spruce fence shall be installed and 3 arborvitae plants shall be planted. (After discussion, the board added that the arborvitae must be 4' -5' tall and that the planting and split rail fence shall be maintained in perpetuity.)
6. The variance request must be approved.
7. A letter from the police stating no undue negative impacts will be created by the additional truck must be submitted.

~~Questions~~

questions.

Mr. Huncharek read the requirements for a variance, section 9.8i-v, p 76 of the Bylaw. It was agreed that criteria i-iv have been met. Re item iv, the neighbor has testified he has no problem with the variance. It was noted that the truck will be largely screened by the building. Re item v, the board clarified that a variance would be required to permit parking the truck within 3' of the property line.

Mr. Bidy asked if the family had addressed small vehicle parking. The reply: parking the trucks on the west side will free up space. Mr. Bidy said he does not want to see parking the road travelled way.

Mr. Huncharek moved to close the hearing on 18-9955. Mr. Ponessi seconded the motion, which passed 4-0-0. Mr. Huncharek told the family the board would make a decision within 45 days, that the decision would be rendered in writing, and that if approved, a fifteen day appeal period would apply.

DRB Rules and Procedures

The board discussed the distinction between "not approved" and "denied" – that only an affirmative vote to deny is sufficient to deny. (See p. 9, Section XI, Decisions, A, of Rules and Procedures.) Mr. Huncharek would like to follow up with the town attorney to discuss this reading of the rule further. It was noted that Section E of the above requires a minimum of three votes to deny or approve.

Other business

The May 16 meeting will be cancelled for lack of business to conduct.

Mr. Ponessi stepped away from the board to present a sketch plan for a two lot subdivision on the Ruby Mattison property. He said a WWT permit would be required. Mr. Huncharek moved to declare the matter a minor subdivision. Mr. Bidy seconded the motion, which passed 3-0-1. Mr. Ponessi said he hopes to file the application at the second meeting in June.

Mr. Ponessi returned to the board. The board discussed the conditions for application 18-9955. It was agreed that both trucks should be backed in (to avoid having to back out on 7A or Underpass Rd).

Mr. Huncharek moved to approve 18-9955 with conditions as captured in the minutes. Mr. Bidy seconded the motion, which passed 4-0-0.

Mr. Ponessi moved to adjourn at 8 pm. Mr. Bidy seconded the motion, which passed by acclamation.