

Shaftsbury Development Review Board
October 16, 2019

The meeting came to order at 6 p.m. Present were board members Tom Huncharek (chair), Chris Ponessi, Mike Day, and Lon McClintock. Also present was zoning administrator Shelly Stiles.

No board member had a conflict with any item on the agenda.

Sign in sheets were passed around to members of the audience.

Mr. Huncharek moved to accept the September 4, 2019 minutes. Mr. Ponessi seconded the motion. On discussion, Mr. McClintock suggested a change regarding the applicants' acceptance of the risk inherent in building within the front yard setback. Later in the meeting, the zoning administrator printed out copies of the minutes with the suggested amendment. Mr. Huncharek amended his motion to include the additional language. Mr. Ponessi seconded the motion, which passed 4-0-0.

Review of application #19-10125. Mr. Huncharek read aloud the following agenda item regarding this application: This is a request to open dog boarding facility at 6779 VT Route 7A, parcel #03 01 02 (former Second Chance Animal Shelter), in the context of bylaw 3.3.2: "If an application is submitted for a use not specifically identified herein as a permitted or conditionally permitted use, the Development Review Board will review the proposed use to determine if its impacts are substantially similar to a permitted or conditionally permitted use, in which case it shall be reviewed accordingly. If the proposed use and its impacts are determined by the DRB to not be substantially similar to a permitted or conditionally permitted use, it shall not be considered to be a use allowed pursuant to these regulations."

The board discussed 3.2.2. Mr. Huncharek wondered if it didn't violate state statute, which prohibits the DRB from serving as an advisory board. Mr. McClintock voiced the opinion that the DRB is only considering whether a proposed use is substantially similar to a use already allowed in the bylaw. Mr. Ponessi read from section 8 of the bylaw, where it is stated that a non-conforming use abandoned for one year is considered fully abandoned. Ms. Stiles explained that the applicant had refused to pay the application fee, and while it meant the application was not complete, she thought it best to give the applicant a chance before the DRB. The applicant was not present. Mr. McClintock moved to dismiss the item, until or if a complete application is received. Mr. Huncharek seconded the motion, which passed 4-0-0. It was agreed that, should the application come before the DRB again, the board will want to know when Second Chance's use of the building ended, and whether Second Chance's facility in the building predated zoning.

Review of rules of procedure. Mr. McClintock asked to postpone the review as he hadn't had a chance to look into them closely.

Other business. Ms. Ann LeBlanc Peters appeared before the board. Mr. McClintock recused himself as he has represented a non-profit organization with whom Ms. Peters is affiliated in the past.

Mr. Peters presented a letter from her daughter in which she described wishing to build a facility to house veterans seeking healing through, in part, training and using service dogs. Ms. Peters said they'd been looking at a site on Myers Road. Mr. Huncharek asked that she complete an application. Ms. Peters said she had talked with the zoning administrator several times about the idea; the ZA had consistently said she would deny the application. Chris suggested asking the PC to consider revising the bylaw to permit kennels. Mr. McClintock said he'd be glad to help explain to Ms. Peters outside the meeting what it is the DRB is looking for.

The ZA said she had no outstanding business for the November 6 meeting.

The October 16 meeting adjourned a little after 7 pm.

Notes by ZA Stiles