

Shaftsbury Development Review Board

June 2 2021

1. Call to Order – Recognition of Quorum

The meeting came to order remotely, via the Zoom platform, at 6:03 p.m. Present were DRB members Mike Day (vice-chair, who ran the meeting), Lon McClintock, and Tedd Habberfield; zoning administrator Shelly Stiles; applicant Sophia Miskell and her attorney Victoria Howe and engineer Frank Parent of Long Trail Engineering; and citizens Howard and Janet Salan and Michelle Mazzola.

2. Conflict of Interest

No one reported a conflict of interest with any item on the agenda.

3. Approval of Minutes – May 5, 2021

Mr. McClintock asked that the word “suppressor” be spelled correctly and that “spec” be replaced with “not for general sale.” Mr. Habberfield moved to approve the minutes. Mr. McClintock seconded the motion, which passed by roll call vote 3-0-0.

4. Continuation of hearing, application #21-0019, parcel 09 20 21, 2629 Route 7A, owner Polin Inc. (DBA Hillbrook Motel): change of use from existing transient lodging to a nine-unit housing facility, with one unit permanently reserved for affordable housing.

Ms. Miskel introduced Victoria Howe and Frank Parent.

Mr. Day suggested that the board review the package of plans by referencing a checklist developed by ZA Stiles and included in these minutes below. **ADD LIST** The package included a seven-page “site plan” packet, the affordability covenant, and a letter from fire chief Joe Vadakin.

Mr. McClintock swore in Ms. Miskel, Ms. Howe, Mr. Parent, Ms. Mazzola, and Howard and Janet Salan.

The board went through the checklist and confirmed that all required items were present, except that the north arrow was pointing east. Mr. Parent will correct it.

Discussion revealed that other than parking area divider planters, no further landscaping is planned.

Yellow light bulbs will be installed over the back door of each apartment, and will be turned on and off from the inside. Motion lights may be installed at the corners of the building.

Mr. Parent said the site plan accurately depicts the location of all wastewater and water infrastructure. The wastewater and potable water permit application has been approved. Ms. Miskel said she has no plans at present to turn the farm house into apartments, but the wastewater permit will allow her to construct three one-bedroom apartments at a future time should she wish. Mr. Parent pointed out that the permit’s design flow is the same whether the farm house contains three bedrooms or three one-bedroom apartments.

Mr. Parent said a twenty or thirty year old wastewater permit he found contains a survey which locates the motel inside the property lines by about two to three feet.

Mr. McClintock, directing his comments primarily to Ms. Howe, said he thought including the town as a party to the covenant – allowing it to enforce the covenant – was not an effective solution to the enforcement issue: as a practical matter, the town would not incur the court costs necessary to enforce the covenant.

Ms. Howe suggested imposing as a condition that the town enforce the covenant.

Mr. McClintock suggested involving an organization such as the Bennington County Housing Authority, Vermont Housing and Conservation Board,, or Shires Housing in enforcing the covenant as such would be congruent with their missions.

Mr. Habberfield pointed out that the town's reluctance to enforce is an across the board problem, affecting all zoning violations.

Mr. McClintock suggested language such as "the prevailing party is entitled to their attorney's fees and costs."

Mr. McClintock will send Ms. Howe some possible language. She will make such changes as she can.

Mr. Day asked if citizens had any questions or comments. Mr. Salan said he and his wife were concerned about peace and quiet, safety and security, and the project's possible impacts on property values. He said where they come from, "affordable" means "alcohol and drugs." Mr. Miskel said she is proposing only one affordable apartment out of nine.

Ms. Mazzola asked about on-site management. And who is going to prevent a family of four from moving into an efficiency or a one bedroom apartment? Ms. Miskel said she would live on site and manage the building (even if she turns the farm house into apartments, in which case she will live in one of them), and that her state permit limits the number of tenants in each apartment to two.

Mr. McClintock said the bylaw revision that made projects such as this possible was adopted to address the possible dereliction of Route 7A motels.

Mr. McClintock moved to recess the hearing to a later date. Mr. Day seconded the motion, which passed by roll call vote 3-0-0. All agreed that the covenant could be revised in time for the regularly scheduled June 16 meeting and so the hearing will be continued on that date.

5. Other business

Mr. Day moved to enter private deliberative session on application #20-0095 amended, parcel 01 01 38, 1046 Shaftsbury Hollow Road, owner Art Coons. MR. McClintock seconded the motion, which passed by roll call 3-0-0.

Mr. McClintock moved to leave private deliberative session. Mr. Habberfield seconded the motion, which passed by roll call vote 3-0-0.

Mr. Day moved to approve an amended permit, including the following changes to the Decision section:

- Item 2 will be changed with the addition of the phrase, "and the fabrication and manufacturing of custom made firearms such as target pistols, long range target rifles, and other specialized firearms ordered by a specific customer. An order for a firearm must be received before manufacture begins."
- Item 6 will be changed to read "Only hand tools, small power tools, a bench top milling machine and a hobbyist lathe will be used in the business's gunsmithing."
- Item 8 will be changed to "Only common cleaning agents, lubricants, varnishes, rubs, and finishes shall be used in the gunsmithing business. All such agents shall be stored in such a way as to prevent spillage and leakage and, if hazardous wastes, must be disposed of properly."
- Additionally, in crafting the amended permit ZA Stiles will add to the Findings of Fact section the following testimony from Mr. Coons at the May 5 hearing:
 - Mr. Coons explained that any gun he manufactured would be issued a serial number and the purchaser would undergo a background check. Once/if the Town approves his application, the Bureau of Alcohol, Tobacco and Firearms would issue him an additional license.

- The DRB noted that should the application be approved, it would require that Mr. Coons submit a copy of that additional license.
- Mr. Coons said he would need to add a bench top milling machine and hobbyist lathe to his equipment cache to do the additional work. He said they were 110 Or 220 single phase machines.
- He said the additional noise generated would be no louder than a Dremel tool.
- He said the weapons would be tested at Hale Mountain Fish and Game Club, unless the weapons were equipped with a suppressor, in which case he would test them on his property (as allowed by his previous permit).
- He said any changes to conditions described in his original permit would be minimal. He might work at his bench more often, during off hours, but open hours would remain as described in his original permit and by appointment only.
- Each weapon would be manufactured at the request of a specific customer, not for general sale.
- He might use polymer or wood stocks.
- He prefers to use water soluble finishes and on wood, hand rubs. He could use something different if the customer so requested.
- He has a paint booth for his hobby modelling work (about 30" x 24") and could if necessary use it for sprayed-on finishes. Any fumes generated would be "miniscule."
- He will have no employees.

Mr. Lon seconded the motion, which passed by roll call vote 3-0-0.

It was agreed that the Board will continue to meet via Zoom for now.

The meeting adjourned by acclamation at 7:45 p.m.

Notes by ZA Stiles