

**Town of Shaftsbury Development Review Board**  
Regular meeting in person and remotely via Zoom  
Wednesday September 6, 2023

1. Call to Order – Recognition of Quorum

The meeting came to order at 6 p.m. Present were board members Mike Day (chair), Tedd Habberfield, Sarah Costin, Denny Browe, and via Zoom, Zoe Contros Kearl. Also present was zoning administrator Shelly Stiles and applicants Phil Harrington and Lilli Williams.

2. Conflict of Interest

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

3. Sign in sheets

Sign in sheets were passed around and completed.

4. Approval of Minutes – July 5, 2023

Mr. Habberfield moved to approve the July 5 minutes. Ms. Costin seconded the motion. A typographic error on page two was noted: “simply” should be “simple.” The motion passed 5-0-0.

5. Application 23-0078, parcel #17 23 14, owners Philip and Jacqueline Harrington, 61 Cleveland Avenue, Shaftsbury: request for a side yard variance for a carport.

Mr. Harrington described his desire to install a carport on his property within the 10’ side yard setback zone. After questioning and discussion regarding the dimensions shown on the site plan, Mr. Harrington left to go to his home to re-measure the dimensions. Mr. Habberfield moved to recess the hearing. Mr. Browe seconded the motion, which passed 4-0-0. The board turned to application 23-0053.

6. Continuation, hearing on Application 23-0053, parcel 17 22 05, address 972 VT Route 7, owners Williams & Company LLC: conditional use permit for retail store.

Lilli Williams said she hadn’t secured as many requested items as she had hoped. She presented those she was able to secure, which included

- Site plan 1
- Site plan 2, showing septic details and lot measurements
- Building sketch, first floor, with dimensions and inclusions such as refrigeration, cash register, sink and similar items.
- Building sketch, second and third floors
- Three pages constituting the septic inspection by All Out
- The deed
- An aerial view of the parcel showing present and possible future parking plans on the SW corner of 7A and Church, in front of the store, and near Cole Hall
- A copy of the tax map
- A letter from the Fire Department confirming it can provide adequate protection to the store

These items are incorporated in these minutes by reference.

Ms. Williams said she spoke with Trevor Mance, owner of the property on which the auto repair shop sits, and he said he has no problem with her subleasing part of the parking lot as long as the term of the sublease is coterminous with the original lease. The site would provide about eight parking spaces. Mr. Mance said he didn’t want to use a fence to delineate the parking area. Maybe planters? (Ms. Costin said the town administrator might have information on planters.)

Ms. Williams said she pursued more information about a future sidewalk connection.

She started an LLC for the store.

She summarized the items still needed:

- The final sublease for the auto repair shop space (it is now being reviewed by Mr. Mance's attorney)
- A letter from Fire Safety (Ms. Williams said the department inspected the store before she purchased it. Four items required attention at that time and all were addressed.)
- A letter from the Health Department
- A letter from the state police

Mr. Day agreed to try to work so as to allow her to open in the second week of October. It was noted that there are no interested parties who might file an appeal. The board discussed whether the site plans submitted were adequate. It reviewed bylaw section 3.5.2 and agreed that the plan would be acceptable. (Ms. Williams noted that the application is for only a change of use from antique store to a food service establishment.) Mr. Browe asked about where snow would be piled. Ms. Williams said in front of the southern neighbor's fence. If necessary, it would be scooped up and removed. The possible need for a sign permit was discussed. Ms. Williams will try to ensure that signage doesn't exceed 32 s.f.

Mr. Habberfield moved to recess the hearing to, perhaps, October 4. Ms. Costin seconded the motion, which passed 5-0-0.

Mr. Habberfield moved to continue the hearing on application 23-0078. Mr. Harrington, having returned to Cole Hall, showed board members a photo he'd taken of the proposed location of the carport relative to a stretched measuring tape. It was discovered that indeed he would be placing it at least 12' from the side yard line. A variance was therefore not needed. Mr. Harrington corrected his site plan, signed and dated the plan, and formally requested that his application for a variance be withdrawn. The zoning administrator said she would issue a permit on September 11. Mr. Habberfield moved to close the hearing. Mr. Browe seconded the motion, which passed 5-0-0.

#### 7. Other business

Ms. Stiles said she has received nothing requiring attention for a September 20 meeting. It will be cancelled unless something timely arrives on her desk.

Mr. Day summarized the situation with the appeal by the Kirkpatricks of the board decision on their short term rental application. The town's attorney will represent the board and the town in court. Ms. Stiles will keep all board members apprised of developments.

Mr. Habberfield moved to adjourn at 7:10 p.m. Ms. Costin seconded the motion, which passed 5-0-0.