

**Shaftsbury Development Review Board  
Minutes of the Meeting Held December 16, 2015**

- 1) 7:00 p.m. The meeting was called to order by Mr. Huncharek. Present were board members Michael Biddy, Chris Ponessi, and Megan Donckers, and alternates Michael Day and Jay Palmer. ZA Shelly Stiles also attended.
- 2) Conflicts of interest: there were none.
- 3) Sign in sheets were given to those in the audience.
- 4) Approval of December 2, 2015 minutes. Mr. Day moved to approve the minutes. Mr. Huncharek seconded the motion. The minutes were approved 4-0-2, with Ms. Donckers and Mr. Ponessi abstaining.

- 5) Continuation of hearing on application # 15-15-9619, landowners Evan and Tracy Galle, applicant Kimworld LLC, parcel # 17-22-05.

Ms. Donckers and Mr. Ponessi left the hearing and the meeting.

Mr. Huncharek reported he'd consulted with Town counsel regarding issues that had arisen at the December 2, 2015 meeting. Counsel advised that the issue of abandonment or discontinuance of use was mute because a retail store is a conditional use in a VC zone; and that pre-existing aspects of the lot that are now non-conforming can be continued but can't be made more nonconforming. Mr. Huncharek urged board members to feel free to consult with counsel whenever they thought it would assist them in understanding the bylaws and ordinances.

Members of the audience were asked to contribute their thoughts.

The Board reviewed 3.5ff. of the bylaw with help from the applicant Valerie Shemeth and her attorney Ray Bolton. The ZA shared documents from the applicant for the board addressing the requirements of 3.5ff., 3.6ff., site plan review and 7.3ff., parking.

Mr. Bolton reported that there will be no change to air quality or to noise levels.

The applicant will continue to use town water and a permitted septic system.

There are no plans to change landscaping.

There will be no fire or explosive hazards.

Lighting will not be changed.

As regards the capacity of community facilities, statements regarding impacts to same were submitted by various entities including the school, VTrans, and VT state police.

Mr. Scott Sanfillippo, in the audience, stated his cooking activities would not involve a lot of fats or stove-top frying.

Mr. Bolton said there would be no impacts to ground or surface water supplies.

Returning to the proposed kitchen use, Ms. Shemeth reported that state health inspector Tom Hubbell said two things must be addressed before the state could issue a license: fire proof panels are needed in the food preparation areas, and new tile is needed in some places on the floor. She said reconstruction debris would probably be disposed of in a rented dumpster.

Mr. Bolton said no hazardous waste would be created.

There will be no changes to stormwater flows.

There will be no changes regarding energy use.

There will be no school, fire, or police impacts. Mr. Huncharek noted that the Board usually requires a statement to that effect from all parties. No statement from fire and rescue had been provided yet.

As an aside, VTrans requirements as regards parking were discussed.

Mr. Bolton said there will be no new transportation-related amenities.

As required, the capacity of on and off street shipping and receiving were discussed. Most deliveries will be made through a door on the north side of the building, or through a door on the east side of the building.

Mr. Bolton said there will be somewhat less traffic at the site than when the use was as a country store. Ms. Shemeth said hours of operation will be 9a-5 or 6p. There will be no unusual comings or goings when school children are arriving or departing.

Mr. Huncharek described the schedule of decision making and notification to the applicant.

The board and applicant reviewed section 7.3ff. of the bylaw, the parking regulations. Mr. Bolton said that because it is not a new structure, the applicant doesn't have to meet the requirements as to number of spaces, but those requirements can be met by providing the required two spaces per apartment unit in the 80'-long driveway; the nine spaces required for the 1800 s.f. of active floor space can be provided in front of the building, where seven spaces exist, and in the easement-protected 20' x 20' space adjacent to the driveway on the north.

Mr. Huncharek voiced a summary of the applicant's site plan. He asked if a health department permit must be provided before the board can issue a conditional use permit. Ms. Shemeth said that for the time being kitchen use was put on hold as the costs of the necessary improvements are explored and provided for.

Mr. Bidy moved to close the hearing. It was seconded by Mr. Palmer. The motion passed 4-0.

#### 6) Other business

As there are no outstanding applications, the January 6, 2015 meeting was cancelled.

Mr. Huncharek moved to enter private deliberative session on application # 15-9619.

Mr. Bidy seconded the motion, which passed, 4.0.

Mr. Huncharek moved to come out of private deliberative session. Mr. Palmer seconded the motion, which passed 4-0.

Mr. Huncharek moved to approve application \$15-9619 with the following conditions:

- Written comments from the appropriate fire and rescue entities on the impact of the proposal on their operations must be provided.
- No item for sale in the store may be displayed outside the store proper except during business hours.
- Should the applicant wish to proceed with food preparation, an appropriate permit from the State Department of Health must be recorded with the Town.

Mr. Palmer seconded the motion, which passed 4-0.

Mr. Day will write the findings.

The meeting was adjourned at 8:45 pm.