

Minutes

Town of Shaftsbury Development Review Board

February 16, 2011

Cole Hall

Shaftsbury, Vermont

Board Present: Gary Burgess (Acting Chair), Fritz Ludwig, David Mance, Christopher Ponessi, Robert Holmes (Alternate Board Member), William Jakubowski

Board Absent: Phylis Porio, Richard Mattison

Others Present: Jon Endres, Reg Jones, Jason Dolmetsch, Regina Nash, Mark Wightman, Peter Simonean, Glenn Young, Glenn Myers, Arthur Whitman, Peter Holden, Norm Gronning, Diane Chaloux, Paula Colbert, Suzanne Bushee (Zoning Administrator), Robert Whitney (Recording Clerk)

1. **Call to Order:** The meeting of the Shaftsbury Development Review Board was called to order at 7:00 pm by Acting Chair Gary Burgess.

2. **Conflict of Interest Statement:** David Mance was recused from the DRB pertaining to Old Business, 3B. Chris Ponessi was recused pertaining to New Business 4C.

3. **Old Business:**

A. **Permit #10 89 90: Estate of R. Bucknall applying for minor subdivision, Parcel ID 18 02 07, 1977 East Rd. Lot A 8.66 ac, Lot B 62.33 ac.**

John Endres testified before the Board as to the changes to the map that were discussed at the last meeting. The only change not made was to show the curb cut to Lot B. John said that notification to the neighbors was done. The wastewater treatment permit has been filed. The wetland limits were taken from the State web site. There are class 2 wetlands with a 50' buffer. The replacement septic system is 85' from the edge of the wetlands.

There were no other questions from the Board.

Comments from the public present:

Reg Jones: Reg is the adjoining landowner to the north. His property has been in the family for years. He wanted to know why the property is being subdivided now, what the potential uses may be and what the effect on his property will be.

Jon replied that there is interest in purchasing Lot A. There are no plans for Lot B. There is a replacement septic system with an isolation shield around it which would not limit use on the Jones property. The Jones right-of-way is through Lot A. David said there is a statute which allows temporary access to a landlocked parcel to remove timber. The DRB does not resolve title problems. Access can be granted or it can be bought. Mr. Jones has no plans to develop his property but would like to get the timber off. David Mance recommended he talk to his neighbors to gain access to the timber.

There were no other public comments

David made a motion to close the hearing, Fritz seconded. Passed 5-0-1 (Jake abstained).

B. Permit #10 89 68: Estate of Marjorie Kelly, Owner Regina Nash, Property ID 13 21 26, as a proposed subdivision. Final hearing.

David Mance was recused from the Board in order to testify on this matter.

David said that the discussion at the last meeting concerned water drainage. Drainage from Lot 2 will not go off lot. Driveway grading is now included on the map. David said that nothing is planned for the back of the lot. The Lot 2 proposal is for sale of the existing building with municipal water and sewer. Any increased drainage can be handled by Lot 2.

There were no further questions from the board.

Public comments:

Paula Colbert is concerned about water draining into her yard. David said that water will not be discharged to the Colbert property. David said that at the time of any construction a storm water plan will be developed as a condition of the permit.

Diane Chaloux is an abutting neighbor. Her question concerned the environmental soundness and aesthetic possibilities of development. She wanted those issues to be taken into consideration.

There were no other public comments.

Gary said that the issue will be considered in deliberative session

Bill made a motion to close the hearing and Bob Seconded. Passed 5-0-1 (David Mance abstained).

David Mance returned to his seat on the Board.

4. New Business:

A. Permit #10 89 87: Shaftsbury Historical Society, applying for change in zoning status, Property ID 0720 17.

Peter Holland and Norm Gronning testified for the Shaftsbury Historical Society for the property to receive conditional use as a museum. Norm testified that everything is pre-existing, nothing new is being developed. Norm gave a copy of the waste water permit to the Board. The 1,000 gallon concrete tank was cleaned in 2009. Three to five cars daily are anticipated to use the parking area. There could be more vehicles if a staged event is held. The museum will be open only in the summer, not year round. Potential areas for parking are outlined on the map. The entrance is wide enough for car traffic. Bus traffic is not anticipated. Chris said that a permit from the AOT will be required as well as DRB approval. Gary said that the requirements of bylaw 3.6 must be complied with. Norm said that a caretaker will be in residence. Norm will get to work on the requirements of 3.6 and return on March 2.

B. Permit #10 89 88: Whitman Feed Store, proposed propane filling station, Property ID 13 21 73.

Glenn Young, Glenn Myers and Arthur Whitman testified. John Ray & Sons based in Troy, NY are proposing the installation of this propane filling station. All fire code will be complied with. This is a state-of-the art filling station that is self-enclosed. The filling station will be located at the front of the store. Employees will fill the tanks. It is a 1,000 gallon tank. The tank and equipment will be brand new. Safety is a number one priority. Gary inquired as to what laws cover a propane filling station. Glenn replied that no state permit is required as federal laws apply. There are safety shutoffs and overflow protection. The cabinet of the filling station will face the road.

There were no further questions from the Board or public.

Bob made a motion to close the hearing on this matter and Fritz seconded. All in favor 6-0-0.

Chris was recused from the Board in order to testify on matter 4C.

C. Permit #11 89 93: Wm. E. Dailey/Peckham Industries, proposed storage silo for hot mix plant, Property ID 15 20 37.

Peter Simonean testified that this is a proposal for a storage silo for blacktop plant. Peter explained the purpose of a silo and the process used for efficiencies of a blacktop plant. The total height of the silo will be 70'. The plant is 10' - 12' higher. Gary said that a variance is required as the maximum height is 30'. Chris said to make sure that the neighbors are notified. Plant production and truck traffic will remain the same. There will be fewer idling trucks so air quality will improve.

A 15 day warning is required before a variance can be considered. The matter can be considered at a public hearing on 16 March. Gary will approach the Planning Commission about this. Bill explained the five points for a variance.

There were no further questions from the Board.

Chris returned to his seat on the Board.

5. Other Business: Property ID #09 20 28: Robin Tichnor. MSK to discuss conditions and future plans on this property.

Mark Wightman represented Robin Tichnor. He inquired what the outstanding issues were. Bill replied that what John had previously presented did not satisfy the Board and that the overall design was lacking. Gary said that there are two driveways without ditches or culverts. Chris said that site discharge on driveways should be shown and that a curb cut for Lot A should be shown. A more comprehensive storm water management plan showing offsite impacts is needed. It should show 25 year storm impacts. Bill said that there should be zero increase in peak runoff. Chris said that showing 1, 10 and 25 year analysis is needed. A curb cut has to be applied for again. Road and drainage construction plan is needed. A new application is required and maps to Suzanne 10 days before the meeting.

6. Minutes: January 5, 2011 and January 19, 2011

Gary made a motion to approve the January 5, 2011 Minutes and Fritz seconded. All in favor, 6-0-0.

Gary made a motion to accept the amended Minutes for January 19, 2011 and Chris seconded. Passed 5-0-1 (Bill abstained). The accepted changes are: The corrected spelling of Endres, corrected lot sizes in 3A, five foot border is on just one side of the driveway in 3A, change of cache to catchment in 3A, in 4A the word summers deleted and "when school is not in session" added, in 4B the lot identifications are reversed, the time of adjournment was 9:30, all in favor 6-0-0 and finally the motion to adjourn was made by Gary and seconded by Fritz.

7. Decisions to be signed: None.

8. Deliberative Session: Chris made a motion to move into deliberative Session, Fritz seconded. All in favor, 6-0-0. Deliberative session entered into at 10:40 p.m.

9. Adjournment: ? Made a motion to adjourn, seconded by ?. All in favor, 6-0-0. Meeting adjourned at ? p.m.

Respectfully Submitted.

Bob Whitney